



annual report

1976-77



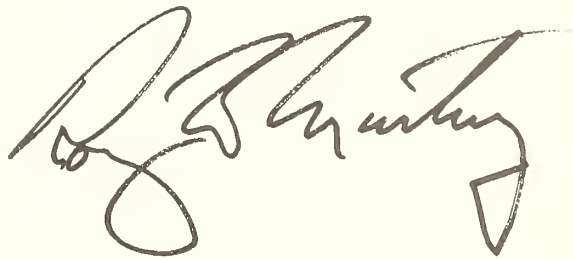
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To Her Honour the Lieutenant Governor in
Council

May it please Your Honour:

It is my pleasure to present to your Honour
the Annual Report of the Ministry of the
Attorney General for the year 1976-77.

A handwritten signature in black ink, appearing to read "R. Roy McMurtry". The signature is fluid and cursive, with a large loop at the end.

The Honourable R. Roy McMurtry, Q.C.
Attorney General



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Letter from the Deputy Attorney

November 21, 1977

The Honourable R. Roy McMurtry, Q.C.,
Attorney General for Ontario
18th Floor, 18 King Street East,
Toronto, Ontario

Dear Mr. Attorney,

In accordance with the provisions of Section 7 of the Ministry of the Attorney General Act, I am pleased to present our third Annual Report outlining the activities of the Ministry during the year 1976 to 1977.

The past year has seen the Ministry continue to grow and develop and this Report describes a number of innovative new programs designed to enhance the quality of the administration of justice.

During the last year, F.W. Callaghan, Q.C., resigned as Deputy Attorney General to assume an appointment as Senior Judge for the Judicial District of York. His presence will be sorely missed by all of us. For five years, the Ministry was guided by his firm hand, sound judgment and deep and abiding concern for justice. This Report bears witness to his work and wisdom.

I am very much aware that the continued successful operation of this Ministry depends not merely on more senior staff and policy-makers, but on the tireless, dedicated and all too often unrecognized contribution of literally thousands of individual men and women working within the Ministry. To state what they have done is at the same time to express our thanks and appreciation to them.

All of which is respectfully submitted.

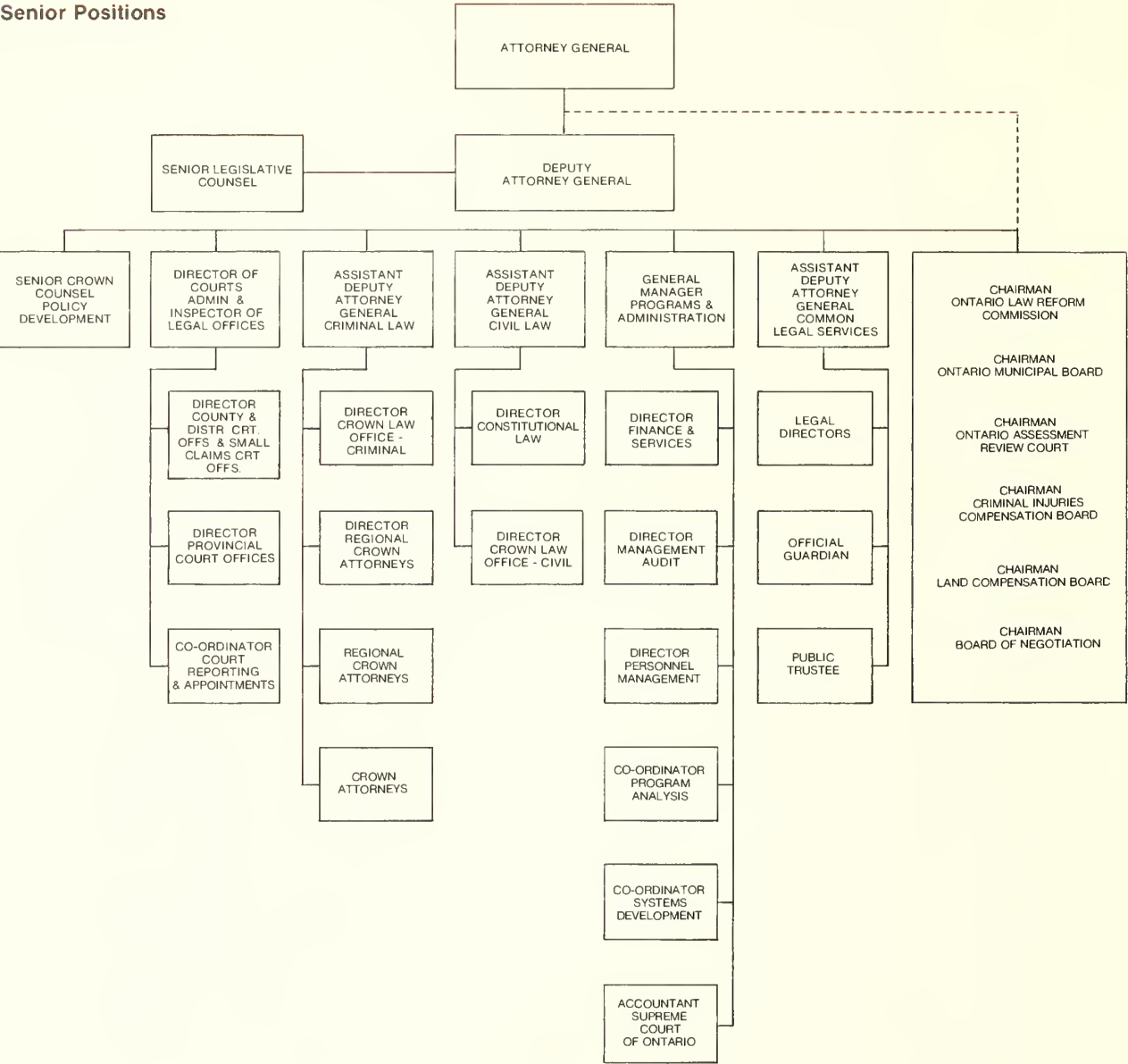


H. Allan Leal, Q.C.,
Deputy Attorney General



The Ministry of the Attorney General

Senior Positions



Office of the Legislative Counsel

Arthur N. Stone, Q.C.,
Senior Legislative Counsel

This office consists of eight lawyers, eight clerks and four legislative editors.

The duties and responsibilities of the Office include:

1. Drafting all bills and regulations.
2. Advising and assisting the government, Cabinet ministers, members and committees of the Assembly on all legislative matters.
3. Preparing and overseeing the printing of the annual volume of statutes.
4. Maintaining public files of regulations and publishing the regulations.
5. Maintaining updated proofs of statutes and regulations.

Number of Regulations Drafted and Filed

	1973	1974	1975	1976
Drafted	984	1152	1216	1230
Filed	828	1001	1049	1021

Published pages in Gazette	1941	1767	2457	1717
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1973 Session	Commenced Prorogued	Mar. 20, 1973 Mar. 5, 1974
1974 Session	Commenced Prorogued	Mar. 5, 1974 Feb. 14, 1975
1975 Session	Commenced Dissolved	Mar. 11, 1975 Aug. 11, 1975
1975 2nd Session	Commenced Prorogued	Oct. 28, 1975 Dec. 18, 1975
1976 1st Session	Commenced Prorogued	Jan. 15, 1976 Jan. 16, 1976
1976 2nd Session	Commenced Prorogued	Mar. 9, 1976 Dec. 16, 1976

Number of Bills Drafted, Introduced and Passed

	1973	1974	1975	1976
Government bills —				
Drafted	230	225	191	151
Introduced	185	145	115	101
Passed	177	137	110	87

Private bills —				
Introduced	40	31	32	26
Passed	38	31	31	24

Private member's bills —				
Drafted	94	72	79	104
Introduced	93	58	83	95
Passed	0	0	0	0

Number of pages in statute book	1750	1650	1100	895
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The Ministry of the Attorney General

Policy Development Division

John Cavarzan,
Senior Crown Counsel

The Division

At present the Division, which consists of Senior Crown Counsel and six lawyers, reports to and is directly supervised by the Deputy Attorney General.

Present Duties

The duties of the division include:

1. Studying and analyzing all aspects of the administration of justice in Ontario;
2. Continual review of the 143 statutes administered by the Ministry (see appendix), proposing reform and analyzing suggestions for reform from the Ontario Law Reform Commission, the public, lawyers, other ministries and members of the Legislature.
3. Developing the legislative program of the Ministry, beginning with discussion of suggested legislation with senior staff members of the Ministry, preparing Ministry policy submissions outlining the problem and evaluating all government options for discussion and decision-making by the justice committee of Cabinet and by Cabinet. This process concludes with the creation, in conjunction with Legislative Counsel, of draft bills reflecting Cabinet decisions.
4. Advising the Attorney General and Deputy Attorney General during the legislative progress of a bill. This generally involves attending the Legislative Assembly with the Attorney General to advise him about the bill, if necessary, and to help him answer detailed technical questions which may arise during debate.

The division is also responsible for the Ministry Library, which serves the Crown Law Office and (about 50) field offices.

Relationship with Other Organizational Units

To do its job, the division must have close relationships with a number of organizational units both within the Ministry and independent of it. There is constant liaison and co-operation with the Crown Law Office. Through these efforts some projects are conducted jointly and duplication is avoided. The Policy Development Division maintains a co-operative relationship with the Ontario Law Reform Commission. While

the independence of the commission is at all times recognized and respected, there is an exchange of research material and ideas.

There is constant demand for interaction with other ministries and policy fields, with the federal Department of Justice, and with public interest groups. The division's involvement enables it to keep abreast of many activities and proposals which may affect the administration of justice in the province.

Examples of Activity

Legislation

The legislative program has focused on family law reform in the past year. The following bills have been introduced:

1. The Family Law Reform Act, 1977 (previously introduced in similar form as The Family Law Reform Act, 1976). The Act is a comprehensive reform of family law in the areas of family property, support obligations, the matrimonial home, domestic contracts and damage claims for the death or injury of a family member.
2. The Marriage Act, 1977 (previously introduced as The Marriage Act, 1976). The Act revises the existing Marriage Act in accordance with recommendations of the Ontario Law Reform Commission and makes other improvements.
3. The Succession Law Reform Act, 1977 (previously introduced in similar form as The Succession Law Reform Act, 1976). The Act is a comprehensive reform of the law of testate and intestate succession.
4. The Children's Law Reform Act, 1977 (previously introduced as The Children's Law Reform Act, 1976). The Act removes any legal distinction between legitimate children and illegitimate children and provides for judicial procedures to establish parentage.

The above bills were introduced in the third session of the 30th Legislature and again in the fourth session. In both cases the bills died on the order paper.

5. The Unified Family Court Act, 1976, establishes as a three-year pilot project in the Judicial District of Hamilton-Wentworth the Unified Family Court, a single court with exclusive jurisdiction over all civil law involving family disputes and criminal law involving juveniles or minor offences committed by one family member against

another. The Unified Family Court began full operation on July 1, 1977.

Other amendments to the statutes administered by this Ministry were made as a result of problems brought to the attention of the Policy Development Division.

The division was deeply involved in the drafting of rules and forms for the Unified Family Court, and continues to be involved in the work of the Rules Committee of the Provincial Courts (Family Division). Regulations and forms pursuant to The Landlord and Tenant Act have been drafted in consultation with the division.

Studies, Papers, Consultation

1. The booklet, Family Law Reform, was prepared and distributed by the division. There was much public response and some modifications were made to the family-law package of legislation as a result. The booklet has been updated and a French translation has been prepared and is being distributed.

2. The division prepared the Ministry's White Paper on Courts Administration, which contains proposals with far-reaching implications for the administration of justice in Ontario. The White Paper was circulated to all members of the legal profession and the judiciary and was made available to the public.

3. There was an extensive review of the provisions of the proposed new federal Bankruptcy Act relating to arrangements for the small debtor.

4. A lawyer from this division was a member of the Attorney General's committee on representation of children. Members of the division have been appointed to various inter-ministerial committees and have attended conferences on behalf of the Ministry.

5. The division initiated a study with a view to developing proposals for legislation to deal with problems regarding the liability of occupiers of land to people entering onto the land and the problems of enforcing occupiers' rights against trespassers. The objective is to protect the legitimate interests of private owners of non-industrial and non-commercial land while encouraging them to permit greater recreational use of their land.

6. The division has continued its involvement in the review of summary-conviction procedure.

7. The division took part in drafting a new Limitations Act based on the report of the Ontario Law Reform Commission.

Uniform Law Conference of Canada

The conference consists of commissioners and other participants from all provinces, the territories and the Federal Government who meet annually to consider reports and proposed statutes aimed at securing greater uniformity in the law of all jurisdictions in Canada.

The division has increasingly taken on work generated by this conference. This year the division has worked with legislative counsel to draft a Uniform Powers of Attorney Act to present to the conference. The division has also prepared a report on declarations of paternity.

The Ministry of the Attorney General

Courts Administration and Inspector of Legal Offices

Graham W.S. Scott,
Director of Courts Administration and
Inspector of Legal Offices

Responsibilities

The Director of Courts Administration and Inspector of Legal Offices is responsible for the general administration of the courts in Ontario including:

- regulating the appointments of commissioners for taking affidavits, notaries public and justices of the peace;
- provision of court reporting for all courts and supervision of court reporters and special examiners;
- ensuring the provision of adequate administrative services to all courts and Observation and Detention Homes, including direction to sheriffs and court registrars, Criminal and Family Court administrators, Small Claims Court clerks and bailiffs;
- liaison with the Ministry of Government Services and the responsibility for court accommodation;
- French Language Services in the courts;
- the Management Information System;
- maintaining liaison between the Ministry of the Attorney General and the judiciary, and the processing of judicial appointments to the Provincial Courts;
- providing direction to and supervision of the Central West Development Project;
- overseeing the Ministry's interest in the Native Courtworker Program.

French Language Programs

During the fiscal year 1976-77 the Ministry began the French Language Services Program in the courts. Planning for the implementation started in early 1976, and at that time it was decided that the Ministry would concentrate its early activities in the Provincial Court (Criminal Division).

The Provincial Court (Criminal Division) was selected because it affects the vast majority of persons coming in contact with the court system. Over ninety-five per cent of the persons involved in criminal proceedings have their cases disposed in this court. Matters coming before this court include: most Criminal Code offences; Highway Traffic Act offences; offences under all other Provincial Statutes including the Game and Fish and Liquor Licensing Acts; and offences under municipal by-laws, including parking infractions.

Forms Program

By June 1, 1976, eleven commonly used forms of the Provincial Court (Criminal Division) had been translated into French and were available in a bilingual format. These forms were: Summary conviction tickets (Summons portion); Summons to accused persons; Warrant for arrest; Appearance notices; Promise to appear; Recognizance of bail; Probation orders; Recognizance before an officer; Undertaking given to a justice; Subpoena to a witness, and Notice of conviction, payment of fine required.

These forms were distributed throughout the Judicial Districts of Sudbury and Ottawa-Carleton and the United Counties of Prescott and Russell (L'Orignal) and Stormont, Dundas and Glengarry (Cornwall).

In June, bilingual forms will also be in use in the districts of Algoma, Cochrane, Timiskaming and Nipissing. With this expansion the forms program will cover some 85 per cent of the population of Ontario who speak French only.

Sudbury Project

Concurrent with the introduction of the bilingual forms, in June 1976 a developmental project was started in Sudbury to provide trials in the French language in the Provincial Court (Criminal Division). The ability to have one's trial conducted in French was extended to all matters before that court, except preliminary hearings. In the first ten months of operation, the court in Sudbury heard 100 charges involving 62 persons in the French language. While this constituted only

a small portion of matters heard in the Sudbury Court, a review carried out in March indicated the procedures were technically sound. There was, however, indication that further public education was desirable. The Project had clearly demonstrated the feasibility of expanding the program to other parts of the province subject to the availability of human resources on the Bench, in the local Bar and in the Ministry.

Expansion of Services, Provincial Court (Criminal Division)

The Attorney General then announced that the program would be expanded to include Ottawa-Carleton, and Prescott and Russell on June 6, 1977, with a further extension planned for Kaposkasing, Hearst, Smooth Rock Falls, Cochrane and Hornepayne in October 1977. When the northeastern expansion takes place in October, French court services will be available to about 66 per cent of Ontario citizens who speak French only.

Provincial Court (Family Division)

The Ministry is currently planning the expansion of French language services into the Provincial Court (Family Division) in Sudbury and subsequently to other regions of the Province. It is expected that a Family Court bilingual forms program will accompany the commencement of the Sudbury Court.

Information Program

As part of the program to increase awareness and understanding of the French Language Services Program in the Courts, the Ministry is preparing materials for use in schools and other key parts of the French speaking community which explain the operations of the French Language Services Program. Approximately 70,000 copies of a pamphlet in French have been distributed.

Human Resources

The largest single factor complicating the provision of French Language services is the shortage of bilingual personnel experienced in the legal system. Less than ten per cent of the Bar is capable of serving clients in the French lan-

guage and a much smaller percentage is engaged in the courts on a regular basis. On the Bench we have a shortage of bilingual Judges which is particularly acute at the Supreme Court level. The Ministry is concerned about this problem and measures are being taken to alleviate it.

Ministerial Task Force on French Language Services

An important development of the year was the creation by the Attorney General of a special ministerial Task Force on the Development of French Language Services in the Courts. This committee, chaired by the Deputy Attorney General, advises the Attorney General on all aspects of the development of services in Ontario's Court System.

The Task Force is responsible for developing guidelines in this complex area of planning involving legal procedures, legislative requirements, physical accommodation and procedures, and allocation of human resources within the Ministry.

In addition to the program in the Provincial Courts, the Task Force will advise the Attorney General on the future provision of French Language Services in the County and Supreme Court.

County and District Court Offices Small Claims Court Offices

Ron McFarland,
Director

County and District Court Offices

The director provides administrative direction for County and District Court offices. In liaison with the regional co-ordinators through the inspector of legal offices, he develops and implements policies of the Ministry relating to procedures and training programs.

During the past year, in addition to the regular regional seminars, instructional seminars were held in all areas for officials and their deputies. These seminars were designed to meet the growing needs of all offices in the field of taxation of costs. The main thrust was to review the general principles of taxing party and party costs and solicitor and client bills.

The Ministry of the Attorney General

Standard procedures have been developed to help the offices process an ever-increasing volume of litigation. Other changes, particularly in case-flow management, are being assessed to ensure that persons using the court system are adequately served.

Appointments have been made upon the retirement or death of sheriffs and court registrars during the past year. John N. Bragg replaced the late J.H. Symington in Brantford. R. Bruce Hamilton replaced Robert H. Sloan in Ottawa. Richard Beaudoin replaced Alfred A. Bishop in Woodstock. John E. Boyd replaced Gordon Pepper in Lindsay. Richard Lamoureux replaced R.M. Scott in Cornwall.

Regional Co-ordinators

The educational seminars introduced during 1976 are being continued. The regional co-ordinators, through the inspector of legal offices, play a continuing vital role in order to develop growth in the offices.

There have been two additions to the regularly published Sheriffs' and Court Registrars Newsletters: Conover's comments are an informative outline of changes in practice and procedure for local registrars, S.C.O. Taxation tips have been included as a follow-up to the regional taxation seminars.

Several narrative procedures, including flow charts, have been prepared and they will be the basis of a revised procedural manual for sheriffs and court registrars. During the coming year's regional seminars they will be reviewed and any necessary changes will be made before the final printing.

In the coming year staffing standards will be determined, based on the volume of litigation together with the quasi-judicial functions of the officials. The staffs of the offices will be invited to the regional seminars, a major step in the introduction of a formal training program.

Small Claims Court Offices

The director is responsible for planning and preparing recommendations to improve the operation of the court offices. He is also charged with investigating complaints about day-to-day administration of the court offices and with providing administrative direction as required.

Small Claims Courts' New Initiatives

During the past year an intensive study was begun to develop an information system relating to the increasing workload in these offices.

Standardized forms are expected to be introduced in the courts in the coming year. Regional seminars are being planned for the fall of 1977. The present manual for clerks is being revised and it will be the basis of more standardized procedures. Throughout the province the present fee structure is under review, as is the monetary jurisdiction of the courts.

Provincial Court Offices

Alex Mackay,
Director

The staffs of the Provincial Court Offices continue to provide administrative support to the Judiciary in the Criminal Division and the Family Division and to serve the public, lawyers and enforcement agencies who use those Courts. There are 113 main offices as well as 40 satellite locations.

In the Criminal Division, the program of unified office standards initiated last year continues to provide greater flexibility in staff and reduce unnecessary clerical function. A constant refinement of these procedures continues as a result of ongoing training programs and regular review of field procedures employed by Court Administration.

The Family Division has no unified office standards and, therefore, the functional areas differ from office to office. Staff resources are allocated primarily on caseload and therefore cannot meet all the objectives set in a particular jurisdiction. The demands set on the Administrators and their staffs by the increase in conciliation, social and counselling duties are heavy. They highlight the need for uniform office procedures so that uniform service, and more importantly, maximum service, can be offered to the public throughout the province.

Management Training

An organization employing in excess of 1600 people demands high standards of management. With this in mind, the management training

program was greatly expanded. The following numbers of personnel attended the Management Workshop sponsored by this Ministry in co-operation with Sheridan College:

Court Administrators	87
O/D Home Superintendents	5

As well, the following numbers of personnel attended workshops, seminars and/or courses approved by the Civil Service Commission:

Management Development

Women Into Management	1
Management Workshop	9
Performance Appraisal	1
Management by Objectives	2
Problem Employee Seminar	4
Long Range Planning Seminar	1
Senior Management Seminar	1

Communication Skills

Communication Workshop	6
Transactional Analysis in the Work Setting	2
Support Staff Seminar	12
Public Speaking Workshop	1

Problem Solving and Decision Making

Kepner-Trezoc Government Management Seminar on Problem Solving and Decision Making	1
Creative Problem Solving	1
Life Work Planning	1

A total of 135 attended various courses.

The Central West Courts Administration Project

In the last Annual Report it was noted that the Attorney General's Advisory Committee comprised of F.W. Callaghan, Q.C., The Honourable Mr. Justice T.P. Callon, Supreme Court of Ontario, His Honour Chief Judge W.E.C. Colter, County and District Courts, His Honour Judge J.L. Roberts, Provincial Court (Criminal Division),

His Honour Judge J.E. Van Duzer, Provincial Court (Family Division), W. Morris, Q.C., and J.R. Barr, Q.C., had recommended to the Attorney General that caseflow management should be the responsibility of the Judiciary.

Caseflow management, of course, is the key factor in the allocation and utilization of resources, both human and physical, and in the ability of the court system to deal effectively and in a timely manner with the cases coming before it.

It was this consideration, among others, which led to the preparation and publication of the White Paper on Courts Administration in October of 1976.

Under the Administration of Courts Project Act, 1975, the legislative aspect of the project will be automatically repealed July 31, 1977. Until that date the Attorney General's Advisory Committee will continue to advise the Attorney General on matters relating to courts administration.

The Management Team, which has been acting as a regional administrator, will at that time be disbanded and the future role and function of courts administration will be considered in the context of initiatives arising from the White Paper and related proposals on caseflow management.

Court Reporting and Appointments

Ron Schurman,
Co-ordinator

Court Reporting

The Co-ordinator develops and implements policies for court reporting services in all levels of courts in the province, as well as in certain boards, commissions and tribunals. He maintains a continuing review of the court reporting function to ensure equitable and uniform practice throughout the province.

The Co-ordinator also provides direction and support to the offices of the Special Examiners in Toronto, Hamilton, Ottawa, Windsor, St. Catharines, and Timmins.

A new tariff covering Special Examinations was approved by the Rules Committee of the Supreme Court and became effective February 1, 1977. The new tariff will provide the Special Examiners with the incentive to continue their important role within the court structure.

The Ministry of the Attorney General

Methods of Reporting

There are approximately 380 full-time court reporters and 125 hired on a freelance basis. Shorthand and Stenomask reporters continue to supply the backbone of reporting services, although the electronic recording of proceedings is under constant review by the Ministry.

Upon the completion of the new Barrie Court House, in the fall of 1976, Ontario's first totally electronic reporting system went into action.

Proceedings are recorded on a master tape which serves as the archival record of the courts while reporting staff produces a record for the production of transcripts.

Similar systems to the one in operation in Barrie, are planned for locations in Hamilton, Ottawa, London, Windsor and Brampton, and should be fully operative during 1977.

Under the guidance of the Chief Justice of Ontario, an experiment was undertaken with Computer Assisted transcript production. Certain machine shorthand writers (Stenotypists) have been working with the experiment, which feeds the reporters' shorthand symbols into a computer, which in turn translates these symbols into written language. Further development of the system is expected.

Training programs have been started to increase the supply of new reporters, and new standards set to assure a continuing high quality of reporting skills. A new transcript format was introduced to ensure page uniformity across the province and to permit greater scrutiny of transcript quality.

With the advent of Justice of the Peace Courts, demand on court reporters' time has greatly increased, leading to the installation of electronic recorders operated by monitors.

Appointments

The Co-ordinator assumes responsibility, delegated by the Inspector of Legal Offices, for all Justices of the Peace in the province. This involves receiving and evaluating requests for appointments, maintaining and updating records of over 600 Justices of the Peace and monitoring and developing training programs. He investigates inquiries and complaints concerning Justices of the Peace. He is also responsible for

the development and administration of policies concerning the appointment of Commissioners for Taking Affidavits, and Notaries Public.

A brief has been prepared regarding the non-judicial use of affidavits, in the hope that the requirement for sworn affidavits in commercial transactions can be greatly reduced or eliminated, allowing for greater protection of the public.

Courts and Office Accommodation Planning

Bill Thomson,
Administrator

Accommodation

The Ministry has actively pursued its program of providing necessary additional court facilities while upgrading and expanding existing court and office accommodation throughout the province.

Projects Completed

The Barrie Court House provided four County Courtrooms, three Provincial Court (Criminal Division) Courtrooms and two Provincial Court (Family Division) Courtrooms as well as increased administrative support areas and modern holding facilities.

New leased premises were provided for the Crown Attorneys' offices in Kapuskasing, Timmins and Pembroke to accommodate increased professional staff. New leased premises were also provided in Wikwemikong for the Provincial Courts, both Criminal and Family Divisions. Additional interim space was provided for the Provincial Court (Criminal Division) in Guelph. The Kingston Provincial Court (Family Division) was relocated to more suitable accommodation and provided with an additional courtroom.

Improvements were completed at the Old City Hall in Toronto, Provincial Court (Criminal Division), which provided a modern ground floor administration area as well as additional courts and ancillary services.

Alterations were completed at the Ottawa Provincial Court (Family Division) to add an additional courtroom and support services.



The Ministry is continuing to improve court facilities throughout the province. A new Court House was opened in 1977 in Kitchener, as pictured below. It contains eight courtrooms, including the one pictured above, as well as offices for Judges, Crown Attorneys and courts administration staff.



The Ministry of the Attorney General

A special courtroom was provided at 801 Bay St., Toronto, for the Provincial Court (Criminal Division).

Other alterations and renovations were completed in Cornwall for both the County Court and the Provincial Court (Family Division); Brantford, County Court House; Brampton Provincial Court (Criminal Division); Parry Sound, Provincial Court (Criminal Division); Ottawa, both at the County Court House and at the Provincial Court (Criminal Division); and in Toronto at the County Court House, Provincial Courts (Criminal Division) and Provincial Courts (Family Division). The Port Hope Provincial Court (Criminal Division) Administrative offices were relocated to new leased premises in Cobourg.

Under the Capital Program, Land Acquisition, a site was purchased in Etobicoke for the construction of a new Court House.

Projects Under Construction

- The Kitchener Court House and Registry Office which will accommodate Provincial Courts (Criminal Division) and Provincial Courts (Family Division), was scheduled for completion in mid 1977.
- Brampton Registry Office, which will provide expansion space for the Peel County Sheriff, Crown Attorney, two Provincial Court (Family Division) Courtrooms and the Family Court Chief Judge's offices.
- A new consolidated government building in Dryden housing Provincial Courts offices previously located in leased premises and a courtroom relocated from the local O.P.P. detachment.

Projects in Contract Stage

- Completion of unfinished courtrooms in Cayuga, London and Whitby County Court Houses.
- The conversion of a former O.P.P. detachment in Fort Erie to a Provincial Court (Criminal Division) including one courtroom, Judge's and Crown Attorney's offices, waiting and interview rooms.
- Renovations to the Hamilton Provincial Court (Criminal Division) to provide additional courtrooms and ancillary services.

Projects in Planning Stage

- Consolidated court buildings in Scarborough, North York, Etobicoke, Newmarket, Ottawa, St. Catharines, Whitby, Sudbury, North Bay, Brockville, Hamilton, Lindsay and Toronto.
- Interim consolidation of Provincial court facilities in Scarborough, North York, York and Etobicoke to provide better service construction of court buildings.
- Provision of new leased accommodation for Provincial Courts in Brampton, Hamilton, Orillia, Ottawa, Oakville/Burlington, Belleville, Cobourg, Guelph, Richmond Hill, Geraldton and Sudbury.
- Major renovations to 145 Queen Street, York County Court House, 18 King Street East and Hamilton County Court House.
- Provision of additional space for additional courtrooms and support services to accommodate the Hamilton Unified Family Court.
- New permanent accommodation to house Royal Commissions.

Management Information System

Dorothy J. Bryson,
Co-ordinator

Criminal and Minor Offences

The Criminal Information System has remained operational in eleven counties in Central West Region and Durham. During 1976, the system was converted from the Univac 1106 to an IBM 370-168. For ease of reporting, the system was modified to make greater use of System 2000, a data base management system.

The Minor Offence Information System has continued to operate in one county in the Central West Region. This system was converted to run on the IBM 370-168 during 1976 as well. The original data entry equipment used by the two systems has been upgraded to provide key to disc capability.

The systems have been altered during the year to increase speed and effectiveness. Special requests have increased and greater use is being made of the data base for production of ad hoc reports.

Statistics

There have been major modifications in the reports being produced. Modifications have

been introduced in forms for the Supreme, County and Surrogate Courts and the Provincial Court (Criminal Division). The Annual Report of Court Statistics for 1975/76 was produced. In this report, three-year comparative data were provided for courts in Ontario. New summarization techniques, using data entry equipment, were introduced for the daily returns from the Provincial Court (Criminal Division). This move towards automating the manual procedures of the office was undertaken in order to improve the production schedule for reports produced by area.

Special Reports

In co-operation with the Provincial Secretariat of Justice and other ministries, an extensive study was undertaken on juveniles dealt with by the courts in Ontario. The intention of the study was to estimate the impact of federal legislation proposed to replace the Juvenile Delinquents Act.

Assistance was provided to the federal Department of Justice in its study of the impact of changes in the bail procedures in Canada. The Co-ordinator of Management Information System aided the Department of Justice in developing the methodology and co-ordinating the research effort undertaken in Toronto.

During 1976-77 a pilot study was introduced into Toronto for collection of information on Small Claims Courts. Once the system has been tested in Toronto, and necessary modifications made, it will be implemented in other Small Claims Courts.

Work has begun on the development of a statistical system for the Women's Advisory Committee. The system will provide continuing analysis of information on the status of women within the Ministry.

Committee on Appellate Courts

At the request of Mr. Justice Kelly, an analysis of court activity in Ontario was undertaken for the period 1971 to 1975. In addition, a methodology for analyzing the questionnaire on appellate courts was developed. The questionnaires from the law profession were analyzed under the supervision of Management Information System.

The Ministry of the Attorney General

Provincial Court (Criminal Division)

Chief Judge F.C. Hayes

Court Sittings

There was a continued increase in activity in the Provincial Court (Criminal Division) during this fiscal year which may be attributed to an increase in the caseload and a change in the nature of the caseload.

In order to cope with this increasing activity and in order to attempt to maintain a reasonable period from the date of offence to the final disposition of the matter, it is necessary to maximize the use of available judicial personnel, facilities, and time, and some of the procedures which are being utilized are as follows:

- Continual assessment of the caseload by Senior Judges and the office of the Chief Judge followed by relevant revisions to court sittings and Judge's assignments;
- Institution of specialized rather than general court lists;
- Review by the Chief Judge's office, with the co-operation of the Senior Judges, of court sittings in heavy caseload areas and re-allocation of judicial resources to make more sitting days available for relief work, lengthy trials or preliminary hearings;
- Increased use of Justices of the Peace in all areas for the trial of minor liquor and traffic offences and for the adjournment and remand of some criminal matters;
- A recommendation to the Ministry for an increase in the number of judicial personnel based on locating the additional personnel in central locations so as to provide assistance to adjoining areas.

The Chief Judge's office is developing a program to obtain some uniformity in the time between the laying of the Information and the return date for the accused to appear. Uniform forms of direction are being developed and will be forwarded to law enforcement agencies and Justices of the Peace indicating the periods within which the process of the courts must be made returnable.

Despite improvements in scheduling procedures and the use of Justices of the Peace, the grow-

ing caseload and the shortage of Judges and Justices of the Peace in some areas have caused difficulty in providing adequate sittings of the courts when Judges are absent because of illness, vacation, or on special assignments for the trial or preliminary hearing of lengthy cases.

The statistical analysis representing the increased caseload is only a partial assessment of the problem. There has been a very discernible change in the nature of the caseload in that there are many lengthy criminal prosecutions, be they trials or preliminary hearings, and this has been reflected in the special assignment of Judges to various areas of the province to deal with matters which could not be accommodated in the ordinary court list.

In Metropolitan Toronto, the number of courtroom days allocated to special criminal prosecutions (that is, cases occupying one day or more) increased from 683 in 1975-76 to 757 in 1976-77, an increase of approximately 10 per cent, Federal prosecutions for special matters accounted for 167 courtroom days in 1975-76. Special federal prosecutions in Metropolitan Toronto in 1976-77 accounted for 270 courtroom days, being an increase of 61 per cent. The movement of Judges from Metropolitan Toronto to other areas for special relief increased from 185 Judge days in 1975-76 to 263 days in 1976-77, an increase of approximately 42 per cent.

An increasing demand for the Court to attend in remote communities in Northwestern and Northeastern Ontario continued to be met in most instances by scheduling special sittings. Visits have been made to many remote communities in Northwestern and Northeastern Ontario either by the Chief Judge or by another Provincial Judge, usually in the company of the Crown Attorney, Duty Counsel, a representative of the Ontario Provincial Police, and in some cases, an Indian Court Worker.

The Ontario Provincial Police are policing approximately 22 reserves in Northwestern Ontario and an increasing number of reserves in Northeastern Ontario. This level of law enforcement has led to a greater number of charges and we have been unable to respond to all of the demands for additional sittings in various areas of Northwestern Ontario. Some of the court locations have been re-assigned to other Judges

but this will not entirely serve the needs of the area. There has been a substantial increase in mine development in Northwestern Ontario resulting in increased population and a consequent increase in the demand for court services.

North York Traffic Tribunal

The North York Traffic Tribunal, which was outlined in previous Annual Reports, has been operated with a continuing high level of acceptance by members of the public. The informal nature of the hearings, the extended hours of operation, and the operation of the Driver Improvement Centre have all contributed to this continued public acceptance.

One of the original purposes of the tribunal concept — to reduce the ordinary adversary process which is present in the prosecution of criminal charges — was accomplished by the withdrawal of the prosecutor from the trial of less serious traffic charges.

The tribunal concept has been extended to include cases involving accidents and/or personal injury where a licence suspension is not a possible part of the penalty.

(See Background Paper on the Tribunal).

Effect of the Ontario Legal Aid Plan

While the Ontario Legal Aid Plan greatly aids accused persons, it has increased the potential for delay in the administration of justice.

In some areas, including Metropolitan Toronto, part of the operation of the Plan has been relocated in the Provincial Court Building. This improves the Plan's early contact with accused persons, thereby facilitating an early decision by the Legal Aid Office as to whether or not an accused will be granted a certificate under the Plan.

The introduction at Old City Hall in Toronto of the pilot project with respect to full-time duty counsel would seem at the present stage of its development to be providing considerable assistance to the courts.

Court Visitations

During the past year, the Chief Judge visited a number of the areas of the province and met with Provincial Judges and their staff. The Chief Judge also met with the nine Senior Judges,

discussed problems in their particular areas, and distributed papers on various legal topics to be used for their Area Senior Judges' meetings.

Area Senior Judges continued to hold regional meetings to discuss legal matters and to consider scheduling procedures, uniformity of sentencing and other matters with the Judges in the area. The Chief Judge attended these meetings wherever possible.

Judicial Education

The office of the Chief Judge reviewed judgments of the Court of Appeal and law reports and circulated matters of interest to the Judges. The Law Clerk assigned to the staff of this office assisted in preparing appropriate annotations for recently reported judgments and in carrying out research in areas of criminal law relevant to the Provincial Court (Criminal Division), including rendering assistance to Judges in their preparation of judgments.

The Judges University Education Program was held at the University of Western Ontario. This program permits a Judge, once every three years, to live for one week in a university setting and participate in a program consisting of lectures, discussions, and videotapes.

The Provincial Judges Association (Criminal Division) carries on an active education program composed of regional sentencing seminars and central education seminars.

To assist Judges in the sentencing process, the Provincial Judges Association and this office, with the co-operation of the Chief Justice of Ontario and the members of the Court of Appeal, continued the program in which Provincial Court Judges spend three days in Toronto observing the argument of criminal appeals and discussing sentencing problems with members of the Court.

Justices of the Peace Education Program

The Justices of the Peace Continuing Education Program completed its fourth year of operation as of March 31, 1977. As part of this program, each active Justice of the Peace received papers on various topics; a Justices' of the Peace

The Ministry of the Attorney General

Handbook containing selected statutes and a copy of the Criminal Code.

The program for this fiscal year was carried on over a period of three days at each of ten locations throughout the province.

In addition, efforts are made to keep the Justices of the Peace informed, through the Senior Judges, of relevant amendments to legislation.

Statistics

The 1975-76 Court Statistics Annual Report indicates that for the area outside Metropolitan Toronto, the number of new charges in the system under all statutes rose from 1,531,748 in

1974-75 to 1,584,748 in 1975-76. As of the end of December, 1976, the number of new charges received under all statutes was 1,244,182 with one more quarter remaining in the fiscal year.

In Metropolitan Toronto, notwithstanding the problems with available facilities and the change in the nature of the caseload, there were 89,000 Criminal Code dispositions in 1976-77 compared with 85,288 in 1975-76, an increase of 4.35 per cent.

In Metropolitan Toronto, minor traffic dispositions rose from 1,174,163 in 1975-76 to 1,456,502 in 1976-77, an increase of 24.04 per cent.

Judicial Appointments

	1972	1973	1974	1975	As of Mar. 31 1976	As of Mar. 31 1977
Provincial Judges in Ontario (Criminal Division)						
Number of Full-time Judges as of December 31	107	108	118	117	117	128
Number of Judges Retired or Deceased or on L.T.I.P.	7	7	5	6	6	5
Number of Judges Appointed	7	7	15	5	7	15
Number of Part-time Judges	2	2	2	2	2	2
Number of Judges on Extension	4	5	5	6	6	4

As of January, 1976, fourteen of the above Judges were also presiding in the Family Division.

Provincial Judges in Metropolitan Toronto						
Number of Full-time Judges, including Chief Judge, as of December 31	22	23	28	29	28	36
Number of Judges, Retired, Deceased or Resigned	2	0	0	0	1	0
Number of Judges Appointed	1	1	5	1	1	8
Number of Judges on Extension	2	2	2	1	2	1

The above shows only Metropolitan Toronto. To calculate figures for the Judicial District of York, it will be necessary to add one full-time Judge — Judge R.G. Pearse, and to show one resignation — Judge C.W. Morrison in 1975.

General

Substantial emphasis is and will continue to be placed on implementing programs of pretrial disclosure in criminal matters. It is hoped by this pretrial disclosure process, which is initially being operated in Ottawa, that the time spent with trials and/or preliminary hearings will be reduced.

If staff and facilities are available, it is hoped to have some pilot projects whereby the majority of uncontested adjournments would take place outside the courtroom before a Justice of the Peace at any time during regular business hours prior to the next date set for the appearance of the accused in the courtroom. If this can be accomplished, it should relieve the courtroom facilities of a substantial number of repetitive procedures, and if accused persons wish to co-operate, they would be able to attend at some time during regular business hours and avoid losing an entire day's work.

Some of the benefits which should be derived from the above procedures are:

- More courtroom hours available;
- Better use of staff and facilities;
- Reduction in the number of witnesses required to attend to give evidence.

Coupled with the adjournments on consent before a Justice of the Peace would be a system of caseload control whereby counsel for the accused, after meeting with the Crown Attorney, would be able to indicate to the caseload control centre his available dates for trial. If the witnesses are available and the date suggested by counsel is within the guidelines indicated by the Judge, a date would be allocated by the control centre and the accused could then attend as indicated above to have his case adjourned to that date.

Provincial Court (Family Division)

Chief Judge H.T.G. Andrews

The Family Courts administer those branches of federal and provincial legislation designed to ameliorate family breakdowns and process matters concerning children who are in conflict with the law. The special nature of their functions

makes it necessary for them to provide a range of integrated social and legal services unique in the Provincial Court structure.

Judicial Complement

As of March 31st, 1977 complement stood at:

A. Full-Time Judges	48
B. Judges shared with Criminal Division	12
C. Per Diem Judges	9
Total	69

Education

All staff members were involved with programs in three areas during this period: Judicial, Administrative and subsidiary staff training.

Due to budgetary restraints, the continuing education programs for Judges were curtailed during the fiscal year. Participation in the October and November seminars usually held at Queen's University was restricted to newly appointed Judges.

The Family Court Judges' Association Seminar in May focused on the proposed new young offenders legislation. This was a joint meeting with the Canadian Council of Juvenile and Family Court Judges. The September Seminar concerned itself with the proposals for provincial family law reforms.

Between October 17 and 22, 1976, twenty-six Court Administrators attended a training program in Toronto on the Juvenile Delinquents Act. Each participant was given a basic text in the form of a workbook which had been prepared by the Chief Judge's staff.

In January, 1977, a submission on the cost of future Administrators' training programs was prepared for the Ministry.

As a result of a request made to Chief Judge Hayes with respect to the inclusion of a Family Court component in the J.P. training program, eight of our Administrators participated in nine programs throughout February and March of 1977.

At the request of the Director of the Toronto Court Conciliation Project, the Chief Judge's Law Clerk and Executive Assistant conducted two training programs in October on The Deserted Wives' and Children's Maintenance Act for the recently appointed staff members.

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In October 1976, the Office of the Chief Judge launched a case abstract service primarily for the benefit of Family Court Judges, although there has been some interest in the service in other provinces. Judges who deliver reasons for judgment send them to the office where the Law Clerk summarizes and classifies them, occasionally adding editorial comment. These summaries or abstracts are then circulated to all Judges. Judges are thereby kept abreast of precedent being set by their colleagues, hopefully with a view to some uniformity of practice.

Reports

The staff researched and prepared reports on the following subjects:

- Analysis of maintenance monies, arrears and active accounts : 1972-1976.
- Study of comparative time-lapses for persons on first entry into Court System.
- Caseload analysis of Family Division Courts.
- Report to the Minister of Community and Social Services on the current status of the Parental Support Program and recommendations for provincial expansion including a mediation component.
- Report on the availability of community resources as an alternative to training school committals under Section 8 of the Training Schools Act.
- Costing survey of expenses for judicial training programs.
- Costing survey of expenses for Court Administrators' Training Programs.
- Study, recommendations and review reference division of province for appointment of Senior Judges.
- Study of the advisability of centralized staffing for Family Court Offices.
- Automatic enforcement report on the Judicial District of York.

Research was completed for the following reports during the fiscal year:

- 50 Families.

A five year study of the case histories of 50 maintenance orders in the Family Courts.

- The Detention Home Report.

To be completed in August, 1977.

- Third status report on Automatic Enforcement.

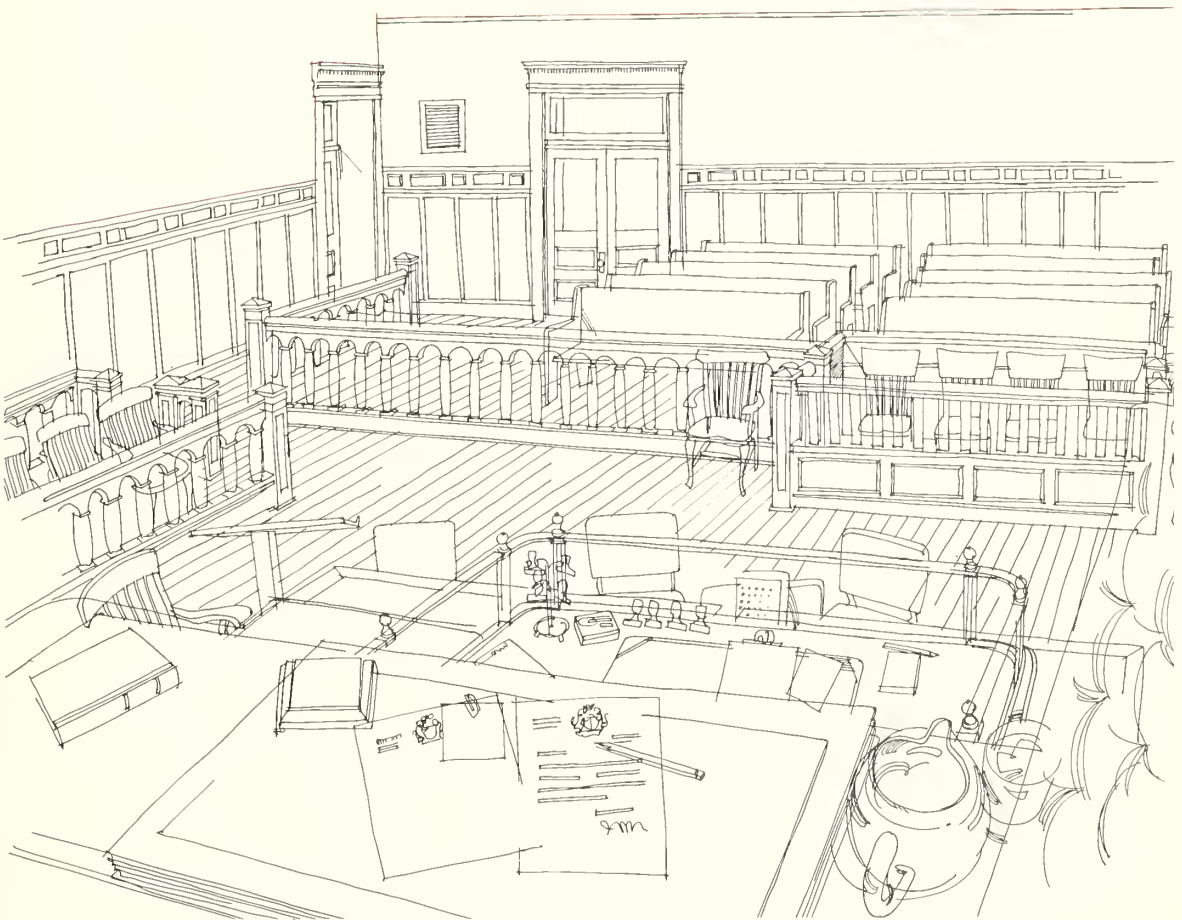
The Chief Judge's Office continued to:

- Update and circulate 500 copies of the Directory of Provincial Judges and Provincial Courts (Family Division). The Directory was completely revised once during the year and four amendments in the form of memoranda or supplementary revision pages were also provided to users.
- The Courts were surveyed twice in order to maintain the current roster of casual staff.
- Maintain statistical trend sheets on each of the 55 Court offices.
- Update the Maintenance Assessment Form twice during the year. Circulation now stands at 3,500 copies per issue.
- Print and circulate six issues of the Quill and Wig.
- Investigate complaints — 25 this year. Almost all concerned problems of enforcement.
- Process judicial mailings. Seventeen mailings consisted of 71 separate memoranda and reports.
- Prepare and process Court Administrators' mailings. Ten mailings comprising 11 separate memoranda and reports were circulated.
- Provide material to each of the new Judges. Each receives a Statute Binder, Directory of Provincial Judges and Courts (Family Division), Case Summary Notebook and selected material taken from mailings to the judiciary over the past few years.
- Monitor Court accommodation requirements through the blueprint stage.

Student Employment

The office surveyed the Courts with respect to their desire for summer student assistance. Allocation of students was made on the basis of their submissions. More than 4,012 applications were received and processed by the office for the 55 positions available.

Six law students were employed during the summer of 1976 and were occupied with legal research for the Courts.



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Crown Law Office

F.J. Greenwood, Q.C.,
Assistant Deputy Attorney General
Criminal Law

Crown Law Office — Criminal
R.M. McLeod,
Director

Composition

In the year under review the complement of the Branch was increased from 17 to 20 lawyers, all specialists in the field of criminal law, whose principal function is to represent and advise the Crown at both trial and appellate levels in criminal litigation.

Main Activity

The Branch's principal activity continued to be appearances in the Supreme Court of Ontario on behalf of the Crown on criminal appeals and motions in respect of both indictable and summary conviction offences. Appeals to the Ontario Court of Appeal in relation to indictable matters constituted the major portion of the workload of counsel as a result of the increased volume of such appeals, their complexity and the increased frequency of Courtittings.

Other Court Appearances

Court appearances by lawyers in the Branch also encompass diverse matters involving various provisions of the Criminal Code of Canada.

Appearances on judicial interim release hearings in murder cases, pre-trial judicial interim release review hearings, release pending appeal applications and contested motions and summary conviction appeals in Weekly Court and Chambers necessitate daily attendances in the Supreme Court of Ontario. Weekly Court and Chamber matters also include mandamus, prohibition, certiorari and habeas corpus applications and Juvenile Delinquent Act appeals.

Applications for leave to appeal and appeals in the Supreme Court of Canada are heard every two weeks. When applications are granted, more lengthy subsequent appearances are required for the hearing of the appeal.

The increased incidence of applications for judicial interim releases and bail reviews, in spite of procedural adjustments to standardize court dates for the latter, necessitates daily appearances of at least two lawyers to ensure that the Crown's case is properly advanced and dangerous offenders are not at liberty prior to their trial.

Special Prosecution

In this area the workload has continued to increase primarily in respect of complicated commercial transactions involving allegations of fraud, corruption and conspiracy. Liaison with the fraud squad of the Metropolitan Toronto Police, the Ontario Provincial Police and the R.C.M.P. has become an important feature of the Branch's activities in order to provide the specialized prosecutorial assistance needed not only at a trial level, but also from the outset of the investigation in most cases.

Increased Volume of Appeals

In this past year the Court of Appeal sat, on average, four weeks per month, except in the summer recess period, in order to keep abreast with the caseload. During a number of months additional courts were held in at least part of the month. Procedural changes by the Court of Appeal aimed at expediting appeals, particularly against sentence, placed a heavy workload on counsel. Counsel responded to these challenges and at the end of the fiscal year the number of outstanding appeals by both accused persons and the Crown had not increased. At the same time, internal administrative procedures were amended to improve liaison with the Crown Attorneys' system and improve the exchange of information relevant to the effective prosecution of appeals.

Other Activities

This Branch also handles various administrative matters in the criminal justice field including transfer of charges under the Criminal Code, transfer of probation orders, reciprocal enforcement of maintenance orders, the Criminal Records Act and the Lord's Day Act. Another time-consuming responsibility is the administration of the Protection of Privacy Act in reference to wiretap authorizations. Advice and assistance — involving the preparation of formal

opinions, service on indepartmental committees or the provision of informal expert opinion — to other government departments, local Crown Attorneys and others involved in the administration of justice in Ontario on an "on call" basis constitutes an important part of the Branch's workload.

Crown Attorneys System

History

Originally, prosecuting authority rested with the Attorney General and his officers at the capital of Upper Canada. As the population grew and spread out, it became increasingly difficult to do this job from one central office. In 1857 authority was granted for the creation of a prosecution office in each county of the province. Each office was directed by a Crown Attorney appointed by the Governor. The Crown Attorney was required to be a resident of the county and, as such, was part of the local administration of justice which included a sheriff and jury made up of residents of the area.

Modernization has strengthened the relationship between the Crown Attorney with his local responsibilities, and the Attorney General, who is responsible for the administration of justice throughout the province. In 1955 the office of Director of Public Prosecutions was formed to co-ordinate the activities of the local Crown Attorneys at large, to act as special prosecutors in difficult or specialized cases. The desire for better communication in the system gave rise, in 1966, to the Crown Attorneys' Association, a group of Crown Attorneys and their assistants who meet voluntarily to discuss common problems, to conduct seminars in order to keep pace with changes in the law, and promote an interchange of personnel in the event of temporary absences or busy trial schedules.

Composition Today

The Division is made up of 183 lawyers who specialize in criminal law. In Toronto the office of the Director of Regional Crown Attorneys consists of the Director, the Deputy Director, and a Counsel. There are nine Regional Crown Attorneys, each of whom is also the Crown

Attorney in his local area, and 48 Crown Attorneys in offices throughout Ontario. The largest local office is in the Judicial District of York, where the Crown Attorney is aided by four deputies, a senior advisory assistant, and 48 assistant Crown Attorneys. The other offices have staffs of lawyers ranging from one to ten. In addition, there are five Crown Counsel assigned from time to time by the Director to local offices requiring temporary help. Finally, the Crown Attorneys in the division supervise part-time assistants — local lawyers engaged on a daily basis.

Responsibilities

The Crown Attorney's System is responsible for the conduct in Ontario of prosecutions under the Criminal Code and other federal statutes such as The Lord's Day Act and The Juvenile Delinquents Act. From time to time Crown Attorneys also conduct prosecutions under such provincial statutes as The Highway Traffic Act and The Liquor Licence Act.

Crown Attorneys and their Assistants exercise the Attorney General's discretionary powers with respect to prosecutions as well as choosing the appropriate charges, considering the release of prisoners pending trial, and conducting the trials. Crown Attorneys also supervise private prosecutions and intervene if the interests of the community require it.

Regional Program

In 1976 the Attorney General designated nine Crown Attorneys as Regional Crown Attorneys, the local representatives of the Director. This program enables the Regional Crown Attorney to bring matters of local concern to the attention of the Director, to confer with other Crown Attorneys in his region, and to attend regular meetings in Toronto with the Director, the Deputy Director and occasionally with the Deputy Attorney General and the Attorney General. This program, apart from assisting in the exchange of information and solving the problem of occasional manpower shortages, has contributed significantly to the further promotion of the uniformity of services through policy directives. The regional program has strengthened the principle of a uniform administration of justice without undermining the significant contribution that local Crown Attorneys have made and will continue to make.

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Decentralization

This year the Attorney General established a program to expand and decentralize Provincial Court facilities in Metropolitan Toronto in order to speed up the judicial process by avoiding unnecessary delays and to bring the court system closer to the people. New court facilities are being set up in Etobicoke, North York and Scarborough, involving the placement of 246 people, including judges, Crown Attorneys and staff. Some of the staff vacancies in the new Crown Attorneys' offices will be filled by the existing staff of the York Crown Attorney's office. A deputy Crown Attorney has been appointed in each of these boroughs to direct the work of the assistant Crown Attorneys assigned to his jurisdiction.

The decentralization program will lessen pressure in the Provincial Courts (Criminal Division) at Toronto's Old City Hall, where there has been an extraordinary increase in the caseload. The growing caseload and the nature of the existing facilities meant that certain types of cases were moved from one court location to another, but this program will enable most cases to be heard in the area in which they arise.

Disclosure

The Attorney General instituted, through the regional Crown Attorneys, a system of pre-trial disclosure to help overcome the problem of pre-trial delays. This program is an example of the contribution that the system of regional Crown Attorneys is making to the administration of justice.

Crown Attorneys in Ontario were directed to begin the disclosure system on May 1, 1977. The guidelines issued were designed to reduce the length of preliminary hearings but still retain the right of both the Crown and the defence to full examination-in-chief and cross-examination at a preliminary hearing in appropriate cases. In most instances this system provides greater disclosure for the defence than ordinarily could be achieved even after a full preliminary hearing. The system does not require the intervention of the court at the Provincial Court level, but it is intended to increase the effectiveness of any pre-trial conference which the trial courts may conduct.

At the start the program will be a limited one, covering all offences in which the maximum penalty is life imprisonment, except for the offence of breaking and entering a dwelling house. It is hoped that the program, which will be monitored by means of a disclosure report for at least six months, can be expanded to cover other offences and that the monitoring can be reduced or eliminated.

French Language Court Services

The Attorney General has informed the Legislature of his intention to continue the expansion of French language services. As a result of a developmental project begun in the Provincial Courts (Criminal Division) in Sudbury, French language services have become permanent in these courts there. French language courts were to become available on June 6, 1977, in the Judicial District of Carleton at Ottawa and in the United Counties of Prescott and Russell at L'Orignal. This service will be extended to Kapuskasing, Hearst, Smooth Rock Falls, Cochrane and Hornepayne in October, 1977. With this program in effect, French language court services will be available to about two-thirds of the Ontario citizens who speak French only. In addition, court services in French will be available to about 35 per cent of the province's citizens who speak both French and English. Further expansion of the program at all levels of the courts is planned.

French language instruction has been provided to the Ottawa Crown Attorney's office since February, 1977, and will continue until September, 1977. As a result of this program, two assistant Crown Attorneys in Ottawa have been able to conduct prosecutions in French.

The Attorney General has established a Task Force within the Ministry to explore further the legal and administrative issues involved in expanding French language services in Ontario courts.

Civil Litigation and Legal Advisory Services

Blenus Wright,
Assistant Deputy Attorney General

The Assistant Deputy Attorney General is responsible for the operation of the Crown Law Office — Civil Law. He is also in charge of liaison between the Ministry and the Ontario Municipal Board and he deals with conflict of interest. He is the Attorney General's representative on the Rules Committee of the Supreme and County Court, the Civil Procedure Revision Committee and the Law Foundation of Ontario.

There was a significant change in the organization of the Crown Law Office — Civil Law — in December, 1976. Because of the increase and importance of constitutional issues, the office was divided into two branches — Constitutional Law and Civil Law.

Constitutional Law

D.W. Mundell, Q.C.,
Director

The branch consists of four lawyers including the director. During the year important constitutional cases in the Supreme Court of Canada included the following:

Reference re Anti-Inflation Legislation

The issues in this case were the validity of the federal anti-inflation legislation and the authority for Ontario's agreement with the Federal Government to apply the legislation to the public sector in the province. The legislation was held valid but the agreement was held to be unauthorized. Following the decision, validating provincial legislation was prepared with the advice of the branch.

Union Oil Co. v. The Queen

The Supreme Court decided that the Federal Court of Canada has no jurisdiction over claims against the Crown in right of a province.

MacNamara Construction v. The Queen

The Supreme Court reaffirmed the proposition

that the Federal Court of Canada has no jurisdiction over claims between subject and subject.

Capital Cities Communication v. C.R.T.C.

The constitutional validity of federal legislation regulating television programs carried on cable systems contained wholly within a province was contested. Judgment reserved.

Robinson v. Countrywide Factors Ltd.

The Saskatchewan Fraudulent Preferences Act was held valid and operative. Ontario has similar legislation and intervened to support the Saskatchewan statute.

Tomell Investments Ltd. v. East Marstock Lands Ltd.

The authority of Parliament to legislate to control the payment of bonuses in addition to interest under mortgages was challenged. Parliament was held to have authority.

Attorney General for Quebec v. Kellogg Company of Canada

The validity of Quebec legislation restricting cartoon advertising on television shows for children was challenged. The case has been argued and judgment reserved.

Simpsons-Sears v. Provincial Secretary for New Brunswick

The extent to which the value of catalogues distributed without charge in New Brunswick is subject to consumption tax by the distributor in New Brunswick was at issue. Judgment reserved.

Reference re Ontario Farm Products Marketing Board et al

The Ontario Court of Appeal ruled that federal and provincial legislation regarding egg marketing was valid. This decision was appealed to the Supreme Court of Canada. The case has been argued and judgment reserved.

Nova Scotia Board of Censors v. McNeil

The validity of provincial legislation authorizing the censorship of films was attacked. Judgment reserved.

Attorney General for Quebec v. Belanger

The validity of Quebec legislation regulating cable television systems was challenged. The case has been argued and judgment reserved.

In addition to the foregoing cases in the

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Supreme Court of Canada, important constitutional questions were raised in the Provincial Courts:

Hamilton Harbour Commissioners v. City of Hamilton

The issue in question is the validity of city by-laws controlling use of lands which border on a harbour but are not used for harbour purposes. The trial judge held the bylaws to be valid. The case is now in the hands of the Court of Appeal.

Pickering Harbour v. Township of Pickering

The issue here is similar to the issue in the Hamilton Harbour case. These proceedings were begun but have been postponed pending a decision in the Hamilton Harbour case.

Multiple Access Ltd. v. Ontario Securities Commission

The validity of the insider trading legislation by Parliament and the Legislature is questioned.

City of Mississauga v. Regional Municipality of Peel

The jurisdiction of the Ontario Municipal Board to allocate assets between the city and the new regional municipality was attacked. The Divisional Court held that the jurisdiction was validly conferred. The case has been taken to the Court of Appeal.

R. v. Dominion Stores Ltd.

The validity of the federal Agricultural Products Marketing Act, in its application to local retail trade in the province, was at issue. A judge of the High Court held it valid. An appeal is being considered.

Donline Haulage Limited v. The Queen T.E. Quinn Truck Lines Ltd. v. The Queen

The validity and operation of provincial legislation regulating highway transport by truck has been raised in these cases.

In addition to these cases, the effect and priorities to be given to executions issued out of the Federal Court of Canada in relation to executions issued out of the Provincial Courts are at issue in a number of inter-pleader proceedings by sheriffs.

Notices of Intervention

Where an appeal to the Supreme Court of Canada from any part of this country raises a constitutional question, notice must be given to

the Attorneys General of all provinces. Each Attorney General may apply for leave to intervene in the case. All cases in which a notice is served on the Attorney General for Ontario are studied to determine whether it is in the interests of Ontario as a province to intervene. The policy of the Ontario Government is to intervene where any serious general question affecting the constitutional powers of the province is raised or where Ontario has a specific interest in the outcome of the case. Many times, after the case has been studied, the Attorney General for Ontario decides not to intervene.

Federal Legislation

It is often necessary to study the constitutional aspects of federal proposals or proposed federal legislation to help prepare a position paper for the Ontario Government in making representations to the Federal Government. The federal proposals are often long and complex, e.g. The Competition Act. The constitutional aspects of the federal legislation are considered and the Ontario view is often embodied in the position paper that is prepared. One of the lawyers in the branch usually attends meetings to consider draft position papers.

Opinions

Other ministries in the Ontario Government frequently ask the Ministry of the Attorney General for an opinion as to their constitutional powers in certain specific cases. These opinions are prepared in the constitutional-law branch.

Civil Law

Julian Polika,
Director

The branch consists of 17 lawyers, including the director, and provides an independent legal service for all ministries of the government.

Serving Other Ministries

Work done for other ministries continues to increase and become more varied. Both the Bar and the Bench recognize the nature and quality of the legal services performed by this branch because of the courtroom experience of its legal officers.

Branch work involved appearances on behalf of the government in civil litigation in Small Claims Court, in the County, Supreme and Federal Court trial divisions, and in appeals and applications before the Divisional Court, Court of Appeal for Ontario, Federal Court of Appeal and Supreme Court of Canada.

Cases ranged from simple damage actions arising out of motor vehicle accidents to complex questions of law. As a result of the continual increase in expertise of counsel within the office, less legal work than ever before has been referred to outside counsel. A further decrease in the number of cases referred outside is expected.

Judicial Review

Under The Judicial Review Procedure Act, the Attorney General is entitled to be heard in person or by counsel in all matters of judicial review.

By statute, all applications for judicial review must be served upon this branch. They are then examined to determine whether an intervention will be made on behalf of the Attorney General. Interventions usually occur when the interpretation of a provincial statute becomes a problem and when such interpretation will affect more than one case or future provincial action.

In many applications for judicial review, the ministry responsible for a tribunal, the tribunal itself, or a provincial official may be a party to such application. In those cases as well as the cases in which the Attorney General intervenes, the branch argues the matters in the Divisional Court. Proposed new provincial legislation usually foreshadows a great number of applications for judicial review, and this increases the caseload of the branch.

Claims For and Against the Crown

The Crown Law Office continues to deal with many claims for and against the Crown. Pursuant to the Proceedings Against the Crown Act, a notice of claim must be served upon counsel in the branch before an action is brought against the Crown. This enables counsel to investigate the claim before an action is begun, to determine the Crown's position, and to try to decide whether a settlement is possible. These claims include a large number arising from motor vehicle accidents and relating to in-

juries or damages caused by vehicles of the Crown driven by members of the Ontario Provincial Police, the Ministry of Transportation and Communications, and all other ministries of the Government. On the other hand, Crown employees are often injured accidentally and claims are made on their behalf.

The branch handles all claims available in law except those dealing with labour law and complex technical subjects requiring expertise, such as patents or trademarks.

Boards and Tribunals

The branch provides counsel service and advice to various boards and tribunals, e.g. The Game and Fish Hearing Board, The Environmental Assessment Board, The Ontario Municipal Board, the Criminal Injuries Compensation Board.

The Ontario Human Rights Commission again sought the help of the branch, and counsel have appeared on behalf of the Commission on Boards of Inquiry ordered by the Minister to investigate particular complaints alleging breaches of The Ontario Human Rights Code.

Her Majesty's Proctor

Pursuant to The Matrimonial Causes Act, the position of Her Majesty's Proctor was created to provide an independent officer to assist the court in divorce actions and related matrimonial matters. Counsel within the branch appear regularly in respect to applications made by a spouse in a divorce action to prevent the issuance of a decree absolute. The courts as well have called directly upon the Queen's Proctor in pending matrimonial cases.

Advisory Services — providing Legal Opinions

The branch provides opinions to all ministries covering a wide variety of subjects involving interpretation of provincial statutes. These opinions may also be prepared with a view to establishing a position for a ministry in anticipation of litigation or as a result of litigation.

Legislative Advice

The branch is often involved in the preparation of legislation where a change may be required by a court judgment. This means constant liaison with the ministries affected to ensure that the legislative changes conform to judicial pronouncements and to the needs of a ministry. In

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relation to the statutes administered by the ministry, the responsible legal officer is expected to recommend necessary changes and to work with the Policy Development Division and the Legislative Counsel's Office to see that those changes are made. In the past year, for example, counsel in this branch along with counsel from the Ministry of Consumer and Commercial Relations discussed amendments to the Residential Premises Rent Review Act.

Solicitor's Work

The branch provides a full range of solicitor's services to any ministry and in particular to the Ministry of Industry and Tourism, which does not have its own legal branch.



Common Legal Services

John D. Hilton, Q.C.,
Assistant Deputy Attorney General

All Government lawyers employed by Ministry

Common Legal Services is a program to provide legal services for all Ontario Government ministries and to develop a unified approach to such things as opinions as well as pay and grading for legal services and to assist independent boards and commissions in these regards when requested. Lawyers in the 18 legal branches of the various ministries are employed by Common Legal Services on behalf of the Attorney General. This encourages independence of legal opinion within the government departments and results in consultation on points of law. Common Legal Services is also responsible for retaining outside counsel where the services of such are required by the Government. Including the offices of the Official Guardian and Public Trustee which report to the Assistant Deputy Attorney General, Common Legal Services, this program has nearly 400 professional, secretarial and clerical employees.

Professional Development

Professional development of its lawyers is a continuing objective of Common Legal Services. Educational programs offered by the Canadian Bar Association, The Law Society of Upper Canada and The Advocates Society are regularly used for updating and enlarging the legal knowledge of member lawyers. Movement of lawyers between legal branches and promotion of employees within Common Legal Services are both on the rise, creating more career opportunities for government lawyers.

Association of Civil Lawyers

As a result of an educational conference in September, 1976, The Association of Civil Lawyers working within the government has been formed to consider and deal with the common problems faced by the civil lawyers in the government. It is hoped that this will result in a greater sense of common identity, increasing the pride, productivity and quality of the government's lawyers.

Liaison with Boards

This office has a liaison responsibility between the Ministry and the Municipal Board, the Land Compensation Board, the Board of Negotiation and the Criminal Injuries Compensation Board.

Chief Inquiry Officer

This office spends much time discharging the responsibilities of the chief inquiry officer, pursuant to The Expropriations Act, involving the retainer of and the liaison with inquiry officers throughout the province and a large area of communications with the public in relation to The Expropriations Act generally.

Liaison with Official Guardian and Public Trustee

The offices of the Official Guardian and the Public Trustee also report to the Assistant Deputy Attorney General, Common Legal Services.

More time has been used in liaison with and recruiting for these offices. The increased demand for the services of the Office of the Official guardian and its agents and the organizational changes in the Office of the Public Trustee have heightened the activity in these offices substantially.

General Counsel Work

The Assistant Deputy Attorney General, Common Legal Services, is also involved in special counsel work representing the Ontario Government chiefly before the Supreme Court of Canada in some matters of constitutional importance. Three constitutional cases that were heard by that court this year involving the question of what jurisdiction is responsible for cable television were argued by this officer, as was the constitutional determination of certain aspects of the patent and trademark law. In addition to general opinions, special advice is from time to time given to various Ministries and to the Attorney General through this office.

Office of the Official Guardian

L.W. Perry, Q.C.,
Official Guardian

Function

The Official Guardian provides legal services for minors, unborn and unascertained persons, mental incompetents and absentees in accord-

The Ministry of the Attorney General

ance with the provisions of Section 107(2) of the Judicature Act.

General

The work of the office has grown from 13,643 new cases in 1972 to 17,858 in the calendar year 1976, an increase of 31 per cent in five years.

The office has a staff of 61. It also uses the services of lawyers who act as its agents throughout the province. It employs Children's Aid Societies outside Toronto and freelance social workers in Toronto to assist in investigation and preparation of reports in the increasing number of divorce and custody actions.

The Official Guardian is participating in a Family Court Conciliation Project initiated to preserve the sanctity of family life from improvident dissolution of marriages to the detriment of families in general and children in particular.

The Official Guardian is a member of a committee, headed by W.B. Williston, Q.C., which is completely revising the rules of practice of the Supreme Court of Ontario. The Official Guardian also participates in the Unified Family Court Project in Hamilton and the Parent Conciliation Project in the Family Court.

Increasing Demand

The Official Guardian tries to contribute to developments in family and child law and to meet new, related responsibilities.

The Law Reform Commissions of Canada and Ontario have strongly recommended that the law give more adequate consideration to the rights of minors in matters directly affecting them, other than the protection of their proprietary interest, which is the traditional concern of the courts. Hence, judges are appointing the Official Guardian as guardian ad litem (counsel) to represent children in custody and access proceedings. The Official Guardian is being appointed in these cases because of his traditional role in protecting the interest of minors in legal proceedings and because of his obvious independence from influence by adults.

Another matter of major concern is the adoption of children of unwed mothers whose consent to adoption is required and which is often obtained before a guardian ad litem is appointed and the minor mother has had independent legal advice. The Official Guardian has agreed,

pending clarification of this problem by statutory amendment, to provide such legal advice to unwed mothers before they consent to adoption. This important and far-reaching development will tend to curb improper placement of children by lawyers and doctors who might inadvertently or otherwise take advantage of unwed mothers to the serious detriment of the infants concerned.

Report of Operations

The statistical data for the fiscal year 1976-77 and for the calendar years 1973 through 1976 is as follows:

Surrogate Court Audits

1973	653	(increase in 1973)	24
1974	629	(decrease in 1974)	24
1975	608	(decrease in 1975)	21
1976	640	(increase in 1976)	32

Fiscal year 1976-77 617

Matrimonial Causes New Matters

1973	10,342	(increase in 1973)	730
1974	11,998	(increase in 1974)	1,656
1975	12,738	(increase in 1975)	740
1976	13,378	(increase in 1976)	640

Fiscal year 1976-77 13,194

Number of Payments into Court

1973	218	(decrease in 1973)	26
1974	190	(decrease in 1974)	28
1975	189	(decrease in 1975)	1
1976	232	(increase in 1976)	43

Fiscal year 1976-77 262

New Fiats Authorizing Payments Out of Court for Maintenance and Other Purposes

1973	370	(decrease in 1973)	132
1974	271	(decrease in 1974)	99
1975	384	(increase in 1975)	113
1976	417	(increase in 1976)	33

Fiscal year 1976-77 401

Number of Payments Out of Court pursuant to Existing Fiats

1973	1,783	(decrease in 1973)	256
1974	1,572	(decrease in 1974)	211
1975	1,607	(increase in 1975)	35
1976	1,787	(increase in 1976)	180

Fiscal year 1976-77 1,787

General Counsel Work in Matters Arising out of:

The Child Welfare Act; The Dependents' Relief Act; The Devolution of Estates Act; The Dower Act; The Fatal Accidents Act; The Highway Traffic Act; The Infants Act; The Settled Estates Act; The Surrogate Court Act; The Trustee Act; The Variation of Trusts Act; The Wills Act; The Insurance Act; The Mortgages Act; The Partition Act.

1973 — 1,029	(decrease in 1973)	100
1974 — 1,141	(increase in 1974)	112
1975 — 1,125	(decrease in 1975)	16
1976 — 1,325	(increase in 1976)	200
1976-77 fiscal - 1,394		

Child representation in custody and access matters 1976 — 79

New Miscellaneous Matters

Numerous attendances, telephone inquiries and extensive correspondence, both with solicitors and the public, about how to deal with the personal and financial welfare of infants.

The Total Number of New Matters and Cases in the Years:

1973 —	14,395
1974 —	15,801
1975 —	16,651
1976 —	17,858
1976-77 fiscal	17,734

Forecast of Operational Activities

The office of the Official Guardian does not develop or try to develop new programs and activities. The office, for practical purposes, simply renders legal services on behalf of persons with a disability or those under the age of 18.

The forecast of the programs and activities for the fiscal year 1977-78 and for the three succeeding years are as follows:

Surrogate Court Audits	1977 — 78	650
	1978 — 79	650
	1979 — 80	650
	1980 — 81	650
Matrimonial Causes New Matters	1977 — 78	15,500
	1978 — 79	16,500
	1979 — 80	17,500
	1980 — 81	18,500

Number of Payments into Court

1977 — 78	250
1978 — 79	250
1979 — 80	250
1980 — 81	250

New Fiats Authorizing Payments Out of Court for Maintenance and Other Purposes

1977 — 78	450
1978 — 79	500
1979 — 80	550
1980 — 81	600

Number of Payments Out of Court pursuant to Existing Fiats

1977 — 78	1,900
1978 — 79	2,000
1979 — 80	2,100
1980 — 81	2,200

General Counsel Work	1977 — 78	1,500
	1978 — 79	1,600
	1979 — 80	1,700
	1980 — 81	1,800

Child Representation in Custody and Access Matters

1977 — 78	400
1978 — 79	500
1979 — 80	600
1980 — 81	700

Public Trustee

F.J. Maher, Q.C.,
Public Trustee

Duties

Funds in excess of \$157 million were the responsibility of the Public Trustee at the end of the fiscal year. This is an increase of 9.3 per cent from the previous year. The Public Trustee's duties include the administration of the estates of mentally incompetent persons in provincial psychiatric facilities, nursing homes and homes for special care, and the administration of the estates of persons who die leaving no next-of-kin or heirs-at-law in the province. Additionally, under The Charities Accounting Act and other relevant statutes, it's the job of the Public Trustee to protect the rights of charities. A survey of charitable trusts is maintained in endeavouring to ensure that they are properly administered in accordance with the applicable laws.

The Ministry of the Attorney General

Special Trusts

The Public Trustee also has a number of special trusts. These are gained by accepting requests from the public to exercise powers-of-attorney, by becoming committee for persons under the Mental Incompetency Act, by the direction of a court, or by allocation under The Workmen's Compensation Act and The Compensation for Victims of Crime Act. Further, under the Cemeteries Act, the office continues to acquire administrative funds for the perpetual care of cemeteries.

Other Responsibilities

Under The Business Corporations Act, the office takes on trusts upon the folding of corporations where there are creditors or shareholders entitled to distributions whose whereabouts are unknown. It also acts on behalf of the Crown with respect to the forfeiting of assets of corporations whose charters have been dissolved.

General Operations

While there has been no substantial change in operations, the number of open files increased by more than three per cent and the number of files opened and closed exceeded 15 per cent of the total files maintained.

No Increase in Staff

Despite the substantial increase in the assets administered by this office for patients and Crown estates, the office has continued to function smoothly with no increase in its staff of 155.

Earnings and Expenses

	as at March 31st, 1977
Fees: Patients' estates	811,630
Crown estates	314,294
Special trusts	106,159
Company trusts	25,073
Cemetery trusts	16,193
Charities	35,664
Total Fees	\$ 1,309,013
Bank interest	14,359
Net earnings from Investment Fund Account	2,119,081
Total revenue	\$ 3,442,407
Debit balance written off	46
Gross earnings	\$ 3,442,361
Operating expenses	2,865,673
Total net earnings for 1976-77	576,734

Investment Fund Account

	as at March 31, 1977
Bonds at amortized cost	83,709,136
Accrued interest received	1,907,586
Cash in bank	53,278
Total	\$ 85,670,000
Interest earned on investments	6,747,630
Interest earned on bank accounts	46,631
Total	\$ 6,794,261
Less: Interest allowed	3,882,106
Book loss on exchange of securities	793,074
Net earnings in Investment Fund	\$ 2,119,081

Securities Held for Investment Fund Account

	as at March 31st, 1977		
	Par Value	Book Value	Market Value
Ontario Hydro	59,262,000	58,767,351	57,349,182
Province of Ontario	25,160,000	24,941,785	22,467,575
Total	\$84,422,000	\$83,709,136	\$79,816,757

Assets under Administration

	as at March 31, 1977
	\$157,486,100

Programs and Administration Division

B.W. McLoughlin, C.A.,
General Manager

Function

This section of the Ministry is responsible for directing and co-ordinating the Ministry's general support services including personnel, financial management, auditing and administrative procedures. In 1976-77 emphasis was placed on increasing the efficiency of available resources in compliance with the Ontario Government's continued constraint measures.

Planning and Evaluation Branch

J. Solymos,
Co-Ordinator

The main service provided during 1976-77 was, as in prior years, in support of the goal of improved utilization and allocation of resources in the various programs of the Ministry. It was part of a special effort which by 1978 is planned to benefit most of the Ministry's operations.

Management by Results

This special initiative is in response to the Ontario Government's intention that all ministries fully implement by March 31, 1978, a management concept known as MBR (for Management by Results), the thrust of which is to focus management attention on the results of public expenditure. Among the implications of adopting this management concept are the development and/or improvement of data flows on workloads and resource levels as well as the use of the resultant information in measuring and monitoring the overall efficiency and, where suitable, the general effectiveness of programs. Work was accordingly continued on the development, test, refinement and maintenance of ways to measure and report upon the levels of resource utilization actually attained in the various programs. At the start of the year, the utilization of some 30 per cent of the Ministry's resources was being monitored, the result of earlier work in the Branch. Broad, over-all indicators were being developed and formally reported to measure utilization in such terms as "average workload per man-year". By year-end,

this monitoring process had been extended to other key programs which comprise a further 30 per cent of the Ministry's resources, thereby bringing total coverage to 60 per cent.

Special Evaluations

Other services provided by the Branch during 1976-77 were concerned with specific day-to-day issues. Statistical and other evaluations, for example, were prepared as support for several applications to Management Board for budgetary and program adjustments.

Accountant, Supreme Court of Ontario

E.J. McGann,
Accountant

Assets

Assets under management at the end of the fiscal year 1976 totalled \$143 million, up from \$122 million the previous year. The rate of nine per cent per annum on funds belonging to infants was maintained throughout the year. The rate of six per cent per annum continues to be paid on other funds being held pending court cases. Both rates are compounded semi-annually and are now calculated on a minimum monthly basis.

Revenues and Investments

The investment portfolio continues to be traded actively. The interest revenue on the portfolio increased to \$10.05 million from \$8.50 million in the fiscal year 1975-76. The monies paid into Suits and Matters in the current fiscal year totalled \$45 million while disbursements for the same period were \$39 million. In the previous fiscal year the figures were \$46 million and \$35 million respectively.

Finance and Services Branch

H.A. Gibbs,
Director

During the fiscal year 1976-77, the efforts of the Branch were directed towards innovations to facilitate the Ministry's response to the Treasurer's program of constraint in Provincial expenditures.

The Expenditure Reporting and Control System was redesigned to highlight variances from planned levels of expenditure, and supported by detailed subsystems in regard to staff utilization.

The Ministry of the Attorney General

Part of management's role in ensuring spending economies is to satisfy itself that assets now on hand are being fully utilized; accordingly two major control systems were introduced in the Ministry, one for furniture and equipment and the other for advance account funds located with field offices and individual employees.

A review of unpaid fines and revenue sources was undertaken, leading to a decision to mount a major study in this area of Ministry operations during 1977-78.

The non-financial support services area saw the introduction of a Forms Management program in the Ministry as a potential source of significant cost saving. The Stationery Supply Service was terminated as the resources involved can be better employed in support of the Forms management program.

Personnel Management Branch

O.M. Mitchell,
Director

The significant factors which affected the operation of the Branch were the continuing staffing and budget constraints, and activity in Staff Relations, particularly interpreting and testing the Collective Agreements.

Constraints

The freeze on external recruitment was continued during the year and changes included Management Board restraints on the hiring of unclassified staff. Procedures for handling the appointments of both classified and unclassified staff created a sharp increase in workload for the Branch.

Staff Relations

Assistance to Managers in the area of staff relations has been a major component of personnel work during the year. Staff have been involved in active resolution of complaints and in providing interpretation of articles of Collective Agreements.

IPPEB

The Ministry conversion to IPPEB was completed. This involved a major restructuring of organization coding and records.

Staff Training and Development

The training program with the Provincial courts has been fully established, all Court

Administrators having attended the first residential session of their on-going program.

Audit Services Branch

S.E. Neundorf,
Director

Summary of Activities for the fiscal year ending March 21, 1977

Audit

The completion of audits of Court and Judicial Offices proceeded at approximately the same level as in the previous year. Special assignments placed heavy demands on the Branch's manpower resources. In particular, the IPPEB conversion required the Branch's services over a period of two months.

The Branch is currently taking an active part in the work of an Interministerial Committee investigating the vehicle registration system and the development of a centralized control and collection of unpaid fines.

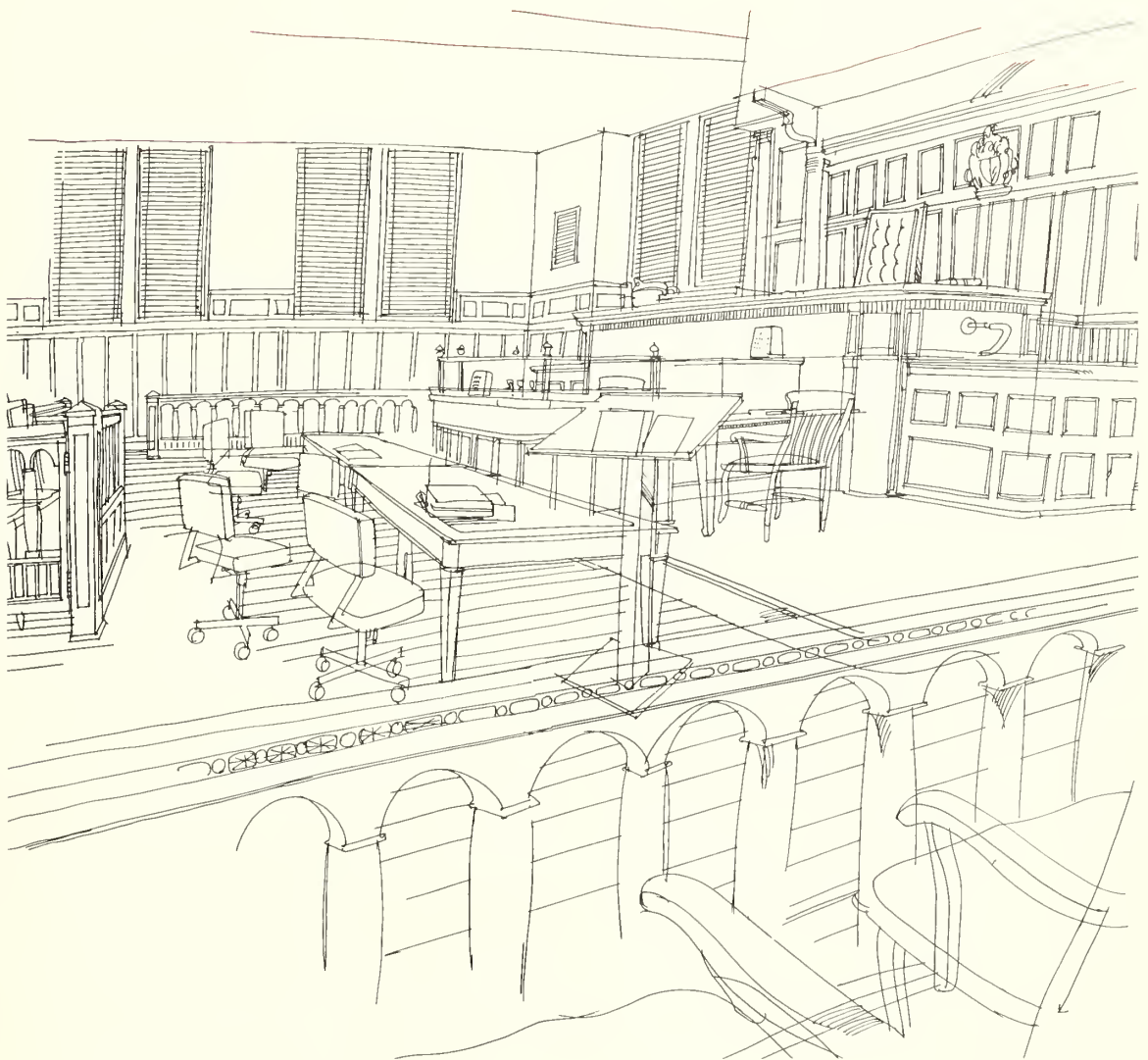
Defaulted Fines/Licence Suspension System

There are indications that suspension activity is stabilizing at or near the level reached in the previous year. The rate of reinstatements continues to show improvement; the cumulative rate at March 31, 1977, stood at 72 per cent while for the fiscal year 1976-77, it was 89 per cent. The accumulated value of reinstatements of \$4,599,858.

Systems Development Branch

R.N. Rintoul,
Director

During the 1976-77 fiscal year this branch continued to work on a number of projects designed to make more effective use of the available resources. Included were developmental work on: CYCLOPS III to improve the scheduling of court hearings and caseloads; a mechanized accounting system for the Public Trustee's Office; and studies to improve the efficiency of the retrieval of information in the County Court, York.



Boards and Commissions

Ontario Law Reform Commission

Chairman:

H. Allan Leal, Q.C., LL.M., LL.D.

Vice-Chairman:

Honourable George A. Gale., C.C., Q.C., LL.D.

Members:

Honourable Richard A. Bell, P.C., Q.C.

W. Gibson Gray, Q.C.

Honourable James C. McRuer, O.C., LL.D., D.C.L.

William R. Poole, Q.C.

Function

The Ontario Law Reform Commission was established as an independent commission in 1964 to investigate and consider any matter relating to:

- Reform of the law having regard to the statute law, the common law and judicial decisions.
- The administration of justice.
- Judicial and quasi-judicial procedures under any act.
- Any subject referred to it by the Attorney General.

Over the past 13 years, the commission has studied a broad range of topics and has published 52 reports containing recommendations for law reform. Many of the reports have been implemented and have formed the basis for both new legislation and for amendments to existing statutes. Examples of this implementation include The Condominium Act, The Age of Majority and Accountability Act, The Coroners Act, and legislation governing landlord and tenant law. The impact of the commission's reports can also be seen in the bills introduced concerning the reform of family law and the law of succession.

Reports During 1976-77

In the past fiscal year, the commission completed work on projects dealing with changes of name and the impact of divorce on existing wills, and published reports on both topics. The commission's Report on Changes of Name contains recommendations permitting more flexibility in the choice of a spouse's name, and in the name given to children at birth. The report also contains

recommendations for reforming the change-of-name procedure: These recommendations include proposals to make court procedures for changing names under The Change of Name Act simpler, more informal and cheaper. The Report on The Impact of Divorce on Existing Wills makes recommendations designed to avoid unintended windfall benefits to ex-spouses resulting from their former spouses' neglect to alter a will following divorce or annulment.

In addition to published reports, an Interim Report on the Orderly Payment of Debts was submitted to the Attorney General to assist in the formulation of an Ontario response to the federal bankruptcy bill. This document, which develops a scheme designed to assist over-committed small debtors, has not been published, however it will be, in a revised version, and will form part of the commission's final Report on the Enforcement of Judgment Debts.

Acting on a letter of reference from the Minister, the commission has begun a study of class actions. The project will include an investigation of the nature and rationale of class actions and the desirability of their development in Ontario. The project will pay particular attention to the potential impact of class actions on the court system.

In addition, the commission is studying the Law of Standing, and has decided to undertake a project dealing with manufacturers' liability for defective products.

Throughout the year work has continued on other projects, including the Minister's reference on The Sale of Goods Act and projects initiated by the commission on the Law of Trusts and the Enforcement of Judgment Debts.

As in former years, the commission has gained valuable assistance from its contacts with law reform agencies throughout the world, from the Uniform Law Conference of Canada, and from members of the profession and the public.

Full Report Available

A full report for the fiscal year 1976-77 is available from the Ontario Law Reform Commission or the Government of Ontario Bookstore.

Ontario Municipal Board

Chairman:

W.H. Palmer (retired June 30, 1976)

W. Shub, Q.C. (appointed July 1, 1976)

Vice-Chairmen:

A.H. Arrell, Q.C.

F.G. Blake

A.L. McCrae

Members:

W.T. Shrives

W.H.J. Thompson, Q.C.

B.E. Smith

D.S. Colbourne

S.S. Speigel

H.H. Lancaster

P.M. Brooks

A.B. Ball

H.E. Stewart

C.G. Ebers, Q.C.

H.W. Kelly, Q.C.

J.A. Wheler

E.A. Seaborn

A.J.L. Chapman, Q.C.

L.P.D. Staples (resigned October 1, 1976)

M. Corbett

W.E. Dyer, Q.C.

C.G. Charron, Q.C.

J. Wadds

K.D. Bindhardt

W.L. Blair

Establishment

Under the authority of The Ontario Municipal Board Act.

Primary Jurisdiction

The Ontario Municipal Board Act, The Municipal Act, The Planning Act, The Assessment Act and diverse Ontario statutes including special legislation.

Functions

To effect the growth and economic stability of municipalities in various fields.

1. Municipal Structure

Constitution, alteration of boundaries, and dissolution of municipalities.

2. Capital Expenditure

Financial supervisory role, approval of capital undertakings, and the manner of recovery.

3. Planning Administration

Approval of restricted area by-laws, official plans and plans of subdivisions, and appeals

from land division committees and committees of adjustment.

4. Assessment Appeals

5. Miscellaneous Applications

Appeals

1. Division Court on matters of law and jurisdiction.

2. Petition to Lieutenant Governor in Council.

3. Application to board for rehearing.

1976 Calendar Year

Number of applications — 9,143

Number of hearings — 2,325

Board's annual report is available for more detail.

Assessment Review Court

Chairman:

B.H.B. Bowlby, Q.C.

Vice-Chairman:

G.C. Hewson

Vice-Chairman part-time:

S.R.R. McNeil

Jurisdiction

The Assessment Review Court was established under The Assessment Act, 1968-69, and continues under The Assessment Review Court Act, 1972. This court is an administrative tribunal which draws its jurisdiction from The Assessment Act and The Municipal Act.

The responsibility of the Court is to hear and determine:

1) Complaints against real property assessment for the basis of municipal taxation in Ontario at the least cost to the taxpayer.

2) Appeals from municipal clerks' refusal to amend the list showing school support for school board taxation.

3) The apportionment of municipal taxes or rates applicable to individual parcels where land has been assessed in block.

4) When authorized by municipal bylaw (or by way of an appeal from the decision of a municipal council) applications for cancellation, reduction or refund of municipal taxes; and, when authorized by a municipal council (or by way of an appeal from the decision of a municipal council), applications for an increase in municipal taxes where gross or obvious errors have been made in the collectors' roll.

Boards and Commissions

Administrative Functions

In addition to their duties regarding the processing and scheduling for hearing of assessment complaints, the Regional Registrars of the Court certify the last revised assessment roll of each municipality. They also process and schedule all assessment appeals to County or District judges within the province under Section 55 of The Assessment Act.

Summary of Activities

The following is a brief report of the activities of the Court from April 1, 1976, to March 31, 1977.

1. Court Sittings

During the year the Court sat for 647 days in municipalities throughout the province and heard and ruled on 107,040 complaints, appeals and applications.

The regional registrars processed and scheduled complaints against assessment and processed and scheduled appeals to the county or district judge under Section 55 of The Assessment Act.

During this period, the Assessment Review Court experienced a further considerable increase over former years in complaints relating to all properties but, in particular, to income-producing properties such as apartment houses, office buildings and hotels. At the same time, more taxpayers were represented by professional agents, tax consultants and counsel.

No municipalities were proclaimed at market value for assessment purposes during this period.

2. Training and Development of Court Members and Staff

During this period, groups of Court members attended two- and three-day instructional seminars in Toronto. In addition, special one-day seminars for members were held in Brockville, London, Toronto, Niagara-on-the-Lake and Sudbury.

Regional registrars and assistant regional registrars attended one-day instructional seminars in Orillia and Toronto.

Clerks of the Court attended one-day instructional seminars in Kingston, Thunder Bay, Alliston, London and Niagara-on-the-Lake.

3. Administrative Matters

During this period, the Court reviewed the procedures being followed at Court hearings. It also continued the special assignment hearings in Metro Toronto and Ottawa, with emphasis on individual assignment hearings with tax consultants, agents and counsel for the complainants to expedite the scheduling of hearings of complaints to avoid conflict of dates.

There have been no changes in legislation to affect the operation of the Court from April 1, 1976, to March 31, 1977.

Summary of Assessment Review Court Complaints and Appeals

	1974-75	1975-76	1976-77
Section 52 of The Assessment Act (1)	70,221	58,212	65,197
Section 42, 43 of The Assessment Act (2)	12,449	16,436	6,616
Sections 516, 547, 636a, 636b of The Municipal Act (3)	13,176	18,410	35,227
Total	95,846	93,058	107,040

Note: (1) This section deals with complaints against annual assessment made under Section 40 of the Act.
(2) These sections deal with complaints against additional assessment under Sections 42 and 43 of the Act.
(3) These sections deal with applications and appeals relating to:
(a) School support
(b) Apportionment of municipal taxes
(c) Cancellation, reduction, or refund of municipal taxes
(d) Increase in municipal taxes by reason of clerical errors

Summary of Appeals to County and District Court Judges (Section 55 of The Assessment Act)

	1974-75	1975-76	1976-77
Appeals	14,324	3,723	4,546

Criminal Injuries Compensation Board

Chairman: Allan Grossman
 Vice-Chairman: Shaun MacGrath
 Vice-Chairman (part-time): S. David Cork
 Member (part-time): Anne Austin
 Member (part-time): Audrey Merrett
 Member (part-time): Edward W. Tyrrell, Q.C.
 Member (part-time): Douglas H. Lissaman, Q.C.

The board, composed of two full-time members and five others part-time, administers The Compensation for Victims of Crime Act, 1971, which succeeded The Law Enforcement Compensation Act, 1967.

Function of Board

The board decides whether applicants for compensation are eligible and, if so, on the amount to be awarded. Compensation is awarded, for personal injury only, when a person in Ontario is injured or killed as a result of a crime of violence outlawed by the Criminal Code of Canada. Such offences include assault, wounding, murder and rape. Injuries caused by a motor vehicle are excluded from the Act unless the vehicle is used to commit an assault. Compensation may also be awarded when a

person is hurt while lawfully arresting or attempting to arrest someone for an offence against another person; when a person is injured while assisting a law officer; or when someone is injured while preventing or trying to prevent an offence against another person.

Hearings

All hearings of the board are public. They are held in Toronto and, when practical, in such centres as Thunder Bay, Sudbury, Windsor and Ottawa, where hearings took place in the year under review.

Increased Productivity

The board, with internal reorganization and without added staff, heard 608 applications, an increase of 135, or 28 per cent. The awards increased by 57 per cent, from \$902,678 to \$1,423,640, and the average award rose from \$1,425 to \$1,958, or 37 per cent.

Annual Report

This report is available from the board's offices at 439 University Ave., 17th floor, Toronto, M5G 1Y8. Telephone: 965-4755. Brochures in various languages are also available from the board and can be found in court houses, police stations, legal aid offices, and a number of other public buildings throughout Ontario.

Comparative Summary — Fiscal Years Applications and Disposition

	April 1, 1973 to March 31, 1974	April 1, 1974 to March 31, 1975	April 1, 1975 to March 31, 1976	April 1, 1976 to March 31, 1977
Eligible applications received	510	639	851	971
Applications heard (1)	386	381	473	611
Applications heard and dismissed	22	40	75	63
Applications heard — further evidence required	5	6	1	5
Second hearings	4	8	4	4
Review of awards	1	1	1	6
Decisions completed and awards ordered (2)	402	349	451	609
Interim awards	3	nil	3	8
Supplementary awards	27	12	19	25
Periodic awards	10	16	12	21
Lump-sum payments	\$591,944.26	\$561,114.03	\$708,640.29	\$1,192,840.37
Periodic payments	130,963.07	165,814.00	194,038.00	230,800.56
Total of awards ordered	722,637.33	726,928.03	902,678.29	1,423,640.93
Average award (3)	1,472.50	1,607.77	1,425.84	1,958.69
Hearings pending	426	599	914	1188

Note: (1) Includes applications heard and dismissed and applications heard but where further evidence is required
 (2) Includes interim, supplementary and periodic awards.
 (3) Periodic payments are not included when arriving at the average award.

Boards and Commissions

Land Compensation Board

Chairman:

J.S. Yoerger, Q.C.

More notices of arbitration were filed with the board than in the previous year. Settlements reached by land-owners and expropriating authorities on the compensation payable have increased in relation to the number of arbitration cases set down for hearing. The number and the length of hearings have increased due mainly to the more complex opinions of expert witnesses, mainly in the fields of real-estate appraising, engineering, planning and accounting.

Interlocutory matters are becoming more frequent. These are initiated by application by notice of motion under The Rules of Practice and Procedure of the board. Applications are made for direction by the board on questions of law; for production and answers on discovery; for particulars with respect to pleadings and for permission to amend pleadings; for adding parties to the arbitration proceedings; and to set a date for hearing in situations where a certificate of readiness has not been completed by the parties and filed with the board.

On January 1, 1977, James Worrall, Q.C., was appointed to the board.

This adds a third vice-chairman, bringing the board's complement to ten; the chairman, three vice-chairmen and six members. Because The Expropriations Act requires that the quorum of three consist of the chairman or a vice-chairman and two members, the addition of a third vice-chairman has enabled the registrar to schedule hearings within a shorter period of time. The time required to bring a notice of arbitration to the hearing stage depends on the parties completing their pleadings, examinations for discovery, exchange of appraisal reports, and, finally, the certificate of readiness.

Report on Operations For the Fiscal Year 1976-77

Notices of Arbitration

Filed with the board	182
Hearings completed	35
In Metropolitan Toronto	17
In Peterborough	1
In London	1
In Thunder Bay	1
In Ottawa	7
In Sudbury	2
In Welland	1
In Guelph	1
In Cambridge	1
In Hamilton	1
In Cornwall	1
In Timmins	1
	<hr/>
	35

Total amount claimed	\$5,424,286
Total amount awarded	\$2,657,540

Notices of Motion

Filed with the board	30
Completed	28
To be heard	2

**Statistical Data With Comparative Information Relevant to
Board Activities in the Years
1971-72 1972-73 1973-74 1974-75 1975-76 1976-77
to March 31, 1977**

Notices of Arbitration

	71-72	72-73	73-74	74-75	75-76	76-77	Total
Applications received	218	99	79	132	170	182	880
Applications completed							
(a) by arbitration	28	46	26	33	38	42	213
(b) by settlement	33	28	73	45	43	83	305
Written decisions of the board	28	46	26	33	36	44	213
Decisions pending						3	
Award of the board	(see schedule B)						

Notices of Motion

Applications received	13	15	25	22	23	30	128
Written rulings of the board	6	7	12	19	20	28	92

Schedule B

**Cumulative Summary of Awards of the Board
From April 1, 1971 to March 31, 1977**

	Claimed	Awarded
(a) Market value	\$43,754,680	\$18,910,855
(b) For damages		
(1) disturbance	2,271,809	721,981
(2) injurious affection	3,521,118	612,913
Total	\$49,547,607	\$20,245,749

Note: One of the notices of arbitration was for a claim for compensation totalling \$10,000,000. The award of the board was \$58,000.

Boards and Commissions

Board of Negotiation

Chairman:
W.C. Dymond

Members:
J.M. Bennett
J.A. Ferguson
F.L. Heaman
W.J. Mowat
L.J. Schedlin
G.W. Swayze

Function

The Board of Negotiation was created by the provisions of The Expropriations Act, 1968-69. It provides an informal tribunal which, without prejudice to any subsequent arbitration procedures, may negotiate in a summary and informal manner, settlement of a compensation in expropriation cases.

Informality

The board, upon receiving a written request from either party, arranges meetings between the expropriated party and the expropriating authority. A formal notice is issued to both parties, advising them of the time and place of the meeting, which can be held throughout the province without cost to either party. A unique provision of the act provides that the board shall view the property in question.

An individual may appear on his own behalf to present his compensation claim. If no agreement follows these informal negotiations, the parties are free to seek arbitration from the Ontario Land Compensation Board.

Activity Report	1976-77
Requests for hearings	260
Hearings held	228
Requests to be scheduled	12
Requests scheduled and waiting to be heard	25

Activity Report - Fiscal Year 1976-77

Expropriating party	Number of Applications
Board of Education Carlton	1
Peel	1
Toronto	1
Borough of North York	2
Scarborough	1
Conservation Authorities Cataraqui Region	4
Credit Valley	3
Halton Region	2
Sault Ste. Marie	1
Corporation of the City of Burlington	3
Hamilton	19
London	4
Ottawa	1
Sault Ste. Marie	2
Thunder Bay	5
Windsor	5
Corporation of the Town of Tillsonburg	24
Township of Gloucester	8
Township of Kincardine	1
Township of Nepean	20
County of Ontario	1
Metropolitan Toronto	
Separate School Board	2
Ministry of the Environment	2
Housing	3
Transportation and Communications	51
Municipality of Metropolitan Toronto	34
Ontario Hydro	22
Regional Municipality of	
Haldimand-Norfolk	2
Hamilton-Wentworth	1
Halton	2
Niagara	3
Ottawa-Carleton	17
York	1
Union Gas Company of Canada Limited	11
	<u>260</u>

Two-Year Follow-Up Report for Year 1975

Two-Year Follow-Up Report for Year 1975		Questionnaires mailed	161
		Replies received	157
Number of requests for meetings (1975)	245	Unanswered	4
Number of settlements reported following negotiations in the period January 1, 1975 to December 31, 1975	35	From the 157 replies received, we have compiled the following information:	
Requests for meetings cancelled	49		
Balance to be surveyed by two-year follow-up	161		
This report is based on replies to 161 questionnaires mailed to the expropriating authorities from whom we had not heard regarding results of the 1975 meetings.		Settlements (Board of Negotiation's recommendation a factor)	79
		Proceeded to, or intending to proceed to, Land Compensation Board	41
		Still negotiating	18
		In abeyance; pending, not presently being negotiated	19

A study was made of 170 requests from the 264 requests received in 1976, showing the position of both parties before the meeting proceeded. The study disclosed that:

The claimants were asking compensation to settle totalling	\$20,648,838
The expropriation authorities offered	10,135,316
The board's recommendations were	11,859,759

The total requests, estimating the remaining 94 requests at \$6 million, would be in excess of \$26 million.

Authorities' Offer	Claimant	Board's Recommendation	Value Range	Number Involved		
	Asking	Percentage over offer	Percentage over offer			
\$ 198,410	\$ 521,021	162.59	\$ 249,919	25.96	1 - 4999	68
545,643	1,348,503	147.14	725,534	32.97	5,000- 24,999	39
1,457,437	3,191,430	118.97	1,789,192	22.76	25,000- 75,000	34
1,340,376	2,669,004	99.12	1,527,777	13.98	75,000-150,000	14
703,500	2,302,000	227.22	829,400	17.90	150,000-250,000	4
2,553,000	4,962,493	94.38	2,976,346	16.58	250,000-500,000	8
3,336,950	5,654,387	69.45	3,761,591	12.73	500,000 up	3
Average offer			\$ 59,619.00			
Average asking			121,463.00			
Average recommendation			69,804.00			

Background Papers

Expansion of the Traffic Tribunal Concept

The Ministry of the Attorney General has expanded the Traffic Tribunal concept to the Metropolitan Toronto boroughs of Etobicoke, Scarborough and York. This expansion followed a careful monitoring and evaluation of the North York Traffic Tribunal which began in 1974 on a developmental project basis. The overwhelming success of the North York Traffic Tribunal has clearly established the desirability of extending the tribunal concept to other parts of the Province in the future.

Origins of the Concept

In the spring of 1973, a special committee chaired by His Honour Chief Judge F.C. Hayes, Provincial Court (Criminal Division), recommended a new and innovative approach of adjudicating offences under the Highway Traffic Act. The Committee appointed Howard F. Morton, an Assistant Crown Attorney, as project manager and the task of implementing the Committee's recommendations was underway. The Borough of North York was chosen as the site for the pilot project and on June 6, 1974, the North York Traffic Tribunal commenced the hearing of all traffic offences in that Borough and the tribunal approach became a reality.

Objectives of the Tribunal Concept

1. To remove all provincial traffic offences from the criminal court milieu at the then existing North York Provincial Court. It was felt that by hearing all traffic offences at a separate traffic tribunal, a less formal approach might be adopted which would encourage a better understanding by the offender of the consequences of his infraction.
2. To implement a driver training program as part of the tribunal structure in a way that it becomes an integral part of the sentencing process.
3. To formally introduce a plea of guilty with an explanation on a drop-in basis. Quite often an offender will feel that although he has committed an offence, there are mitigating circumstances surrounding the commission of the offence which he wishes to bring to the attention of the Court. Under the usual traffic

court system, more often than not, this offender will appear at court and enter a plea of not guilty, thus necessitating a full trial. By offering the offender a plea of guilty with an explanation, which can be exercised by him dropping in at the tribunal at a time convenient to him, it was anticipated that a significant number of offenders would exercise this option and thus reduce the volume of trials and the cost of requiring a trial.

It was also expected that if a significant number of offenders avail themselves of this plea, the ever-increasing amount of time spent by police officers in court would be significantly reduced.

4. To increase the number of daily sessions for pleas of not guilty from three to five. The sessions are as follows:

Monday to Thursday session:

- (a) 9:00 a.m. — 10:30 a.m.
- (b) 10:30 a.m. — 12:00 noon
- (c) 1:30 p.m. — 3:00 p.m.
- (d) 3:00 p.m. — 4:30 p.m.
- (e) 7:00 p.m. — 8:30 p.m.

On Fridays, there is no night session.

The reasons for increasing the number of sessions as above were as follows:

(a) Irrespective of the application of any of the principles set out in the Committee's preliminary report, it was the view of the Committee that as the traffic offence caseload was increasing and would continue to increase, the physical facilities would not properly accommodate the number of personal appearances at the peak hours of a three-sitting schedule. The implementation of the CYCLOPS program had increased this caseloading and in order to accommodate this increased caseload and apply it to this type of hearing, there had to be an assurance that the public was not dealt with on an assembly line basis.

(b) To decrease the amount of time spent by police officers sitting in court awaiting their cases to be called. By scheduling police officers' court appearances on a 1½ session, less time is spent by police officers in court.

(c) To bring the tribunal's business hours within the usual business hours of the community.

5. To introduce new techniques and new methods of administering minor traffic offences, some of which are as follows:

(a) There is no prosecutor in the minor traffic hearing room, rather the investigating officer and the alleged offender each give their evidence from wing-shaped witness stands facing the hearing officer.

(b) There is no court reporter in the minor traffic hearing rooms, rather the hearing is recorded on sound recording devices built into the witness stands.

(c) Cathode ray tube terminals situated in front of the hearing officer and the offender makes available upon conviction, a summary of the driving record of the offender which is used as a basis for the discussion between the offender and the hearing officer.

Further, a hard copy printer provides each offender with a copy of the above summary which may be kept by the offender for future reference.

6. To create evaluation techniques which would measure the success or failure of both the hearing room and driver training aspects of the tribunal system.

Having completed the particulars on the ticket, the police officer then signs the summons portion and hands it to the offender pointing out to him the date and place of the hearing. The officer, having served the summons portion, then signs the certificate of service on the information portion. This certificate is then prima facie evidence of personal service.

At the time of service of the summons portion of the ticket to the offender, the officer also hands the offender a notice.

The notice advises the offender that in addition to paying the fine out of court or appearing in court on the date set by the officer on the ticket, the offender may appear at the Tribunal on a drop-in basis to enter a plea of guilty with an explanation in cases where he feels he did commit the offence but feels that there were mitigating circumstances surrounding the commission of the offence.

How the Tribunal Works for Offenders

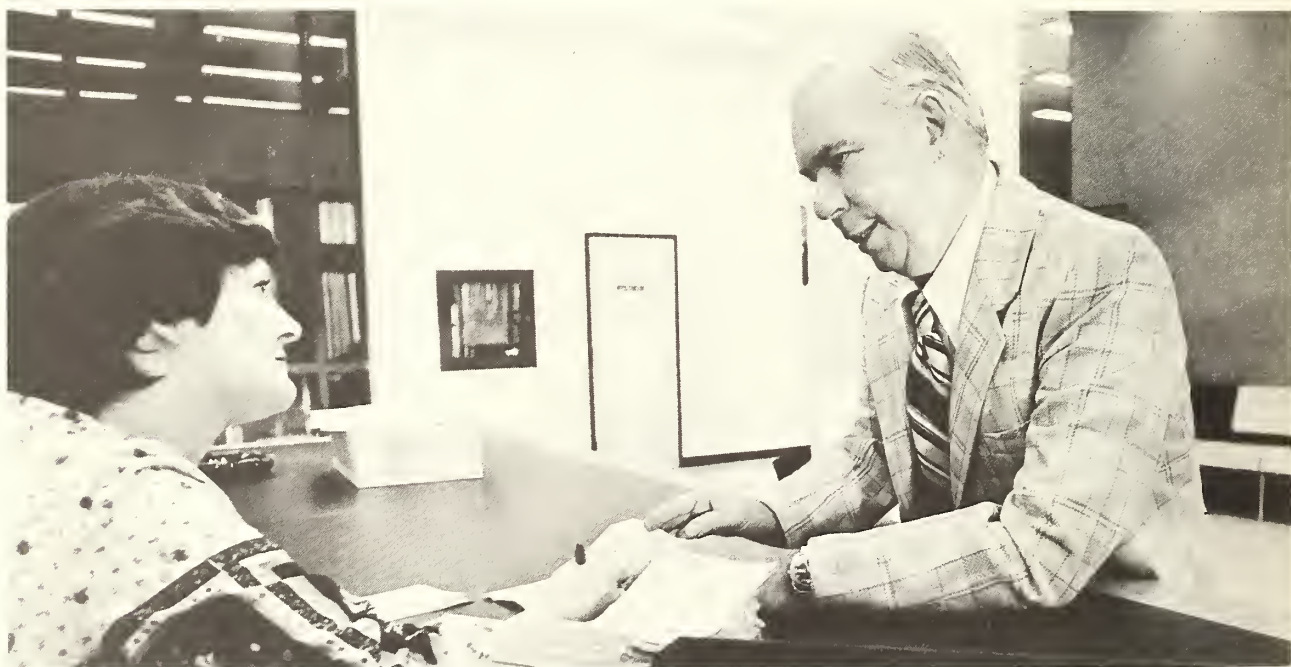
(1) At the Time of the Ticket

The offending motorist is stopped at the roadside by a police officer who has decided to lay a charge against him on the basis that he has reasonable and probable ground to believe that the motorist has committed an offence contrary to the Highway Traffic Act. The offender is advised by the police officer that he is going to be charged and is asked whether he would prefer his court appearance to be at day or night court. After the offender elects day or night court, the police officer inserts the offender's trial date and time on the summons portion of the summary conviction ticket. The officer has been previously provided with a list of his court appearance dates. In the case of certain offences, the officer has been authorized by the Court to insert on the ticket the amount of the fine for an out-of-court settlement.

Background Papers



The motorist receives a ticket for a driving offence and a notice about the operation of the Traffic Tribunal.



The motorist appears at the Tribunal office, at his convenience prior to the trial date, with the intention of pleading guilty with an explanation.



After discussing his intentions with the Justice of the Peace, the case proceeds with the motorist offering his explanation. After a conviction is registered, the Justice of the Peace activates the computer outlet and in a few seconds the motorist's driving history, if any, appears on a screen in front of each of them. They discuss the possibility of the driver improvement course, if it seems beneficial, before sentence is passed.



If the motorist agrees to participate in the driver improvement course, he would be directed to one of the classrooms where a driver training instructor is present at all times.

Background Papers

(2) Plea of Guilty with an Explanation

The offender may drop in at the Tribunal at any time after seven days of receipt of the ticket or summons but at least one business day before the trial date. This gives the offender at least four weeks to resolve the matter at a time convenient to him. The Tribunal is open to accept pleas of guilty with an explanation from 9:00 a.m. to 9:00 p.m., Monday to Thursday, and on Fridays from 9:00 a.m. to 4:00 p.m.

Upon his arrival at the Tribunal, the offender reports to the receptionist, and advises her of his intention to plead guilty with an explanation, stating his name and trial date and handing to her the summons, if he has brought it with him. The offender and the original information are then taken to the hearing room, the offender proceeds to the front of the hearing room and is seated at the T-shaped conference table across from the hearing officer. The purpose of the conference table approach is to create an atmosphere more conducive to a discussion between the offender and the hearing officer concerning both the offence itself and the offender's driving habits.

The Justice of the Peace (hearing officer) advises the offender of the legal consequences of a plea of guilty with an explanation and if the offender indicates that he does wish to plead guilty, the hearing officer then reads the charge to the offender who pleads guilty and offers his explanation to the hearing officer. A discussion of the explanation then follows. It should be noted that the investigating officer is not present for pleas of guilty with an explanation.

If the hearing officer is satisfied that the offender committed an offence he then registers a conviction. Following conviction, the hearing officer keys the offender's driver's licence number into the visual display screen terminal seated beside him. In a matter of seconds, a summary of the offender's driving record appears on both the hearing officer's screen and a screen located directly in front of the offender. A discussion of the offender's driving history then follows and if the hearing officer is of the view that the offender could benefit from driver training, he recommends it to the offender, pointing out that he would take the offender's attendance at the course into consideration when sentencing him.

If the hearing officer is of the view that the offender would not benefit from the driver training or that the facts of the case or the offender's driving record does not call for it, or if the offender indicates that he does not wish to attend at the driver improvement course, then the offender is sentenced and the hearing officer may take the offender's explanation into account in assessing the amount of fine to be imposed.

Where the offender agrees to participate in the driver improvement course, he would proceed to the driver training area and upon presenting his attendance card to the receptionist he is directed to one of the classrooms where a driver training instructor is present at all times.

In brief, the advantages of having a separate room for pleas of guilty are as follows:

- (1) does away with the need and cost for a full trial where an offender admits that he committed the offence, but simply wishes to give an explanation as to why the offence occurred;
- (2) frees the other courts for actual trials;
- (3) encourages a better relationship between the offender and the administration of justice;
- (4) does away with the need for the police officer to appear and give evidence on that particular offence;
- (5) requires only a Justice of the Peace as there are no other court personnel in the hearing room;
- (6) allows an offender to dispose of the offence at a time which is convenient to him.

(3) Plea of Not Guilty

If an offender wishes to plead not guilty, he simply appears at a hearing room on the date set out in his ticket.

Informality and the need for driver improvement is stressed here in that:

- (a) there is no prosecutor, the offender is entitled to cross-examine the police officer but only the Justice of the Peace is entitled to ask questions of the offender;
- (b) the witness box has been replaced by two wing-shaped areas, one for the offender and one for the police officer. More importantly, the offender, police officer and witnesses face the

Justice of the Peace while giving their evidence rather than facing the public which many offenders and police officers find both embarrassing and intimidating;

(c) each session commences with an opening statement of approximately five minutes in length by the Justice of the Peace. The opening statement explains hearing room procedure and exactly what will occur when the offender's trial begins. Emphasis is given to the need for driver improvement and Ontario's traffic statistics are cited;

(d) offenders and their witnesses may be seated while giving evidence and the dais has been lowered to create a less formal setting;

(e) the record review system and discussion and offer of the driver improvement course are the same as in the plea of guilty hearing room.

(4) Tribunal Milieu

One of the main objectives of the pilot project was to remove the hearing of traffic offences from a criminal court setting. It was felt that many traffic offenders who appeared in the existing criminal court system were embarrassed and, in some cases, intimidated by that system. Moreover, the Committee was of the opinion that the existing criminal court system was unable to give effect to the primary concern of the Highway Traffic Act, which is to reduce the ever-increasing number of needless deaths and injuries that occur on Ontario's highways. The Committee was of the view that the hearing of traffic offences should be held in a more informal atmosphere that concentrated on the need for rules of the road and driver improvement which it was hoped would encourage a better understanding by the offender of the consequences of his infraction.

Driver Improvement Centre

In the past, by adopting the criminal process to traffic offences, a convicted offender would simply be fined and sent back on the road. Although a certain number of demerit points would be registered on his driving record as a result of his conviction, this would not be communicated to the offender by the court and the offender would not be called on to discuss his driving habits until he had accumulated nine or more demerit points in a two year period. It

was hoped that by appearing in a tribunal where the offender's driving habits are the predominant concern both in the hearing room and in the driver training classroom, the offender will become aware of the need for him to improve his driving habits.

The Driver Improvement Centre under the supervision of Bill Boyle has been perhaps the most successful aspect of the tribunal concept from the public's point of view. The program presented at the Centre concentrates on useful driving hints and correcting the major bad driving habits, which lead to most of the injuries and deaths on our highways. The Centre is presently implementing drinking-driving and seatbelt programs in an attempt to tackle two of Ontario's most serious driving problems.

To date, some 50,000 persons have attended the Driver Improvement Centre and the instructors have been brought within the Ministry of the Attorney General.

Evaluation of the Tribunal Concept

From the outset, the North York Traffic Tribunal had been subjected to careful monitoring and analysis. The results of these studies which lead to the conclusion that the tribunal concept is an outstanding success may be summarized as follows:

(1) Public Reaction

A public reaction study was implemented at the outset of the North York Traffic Tribunal. A control study was also undertaken at an ordinary traffic court. The message conveyed by this independent survey was overwhelming. The Tribunal has resulted in a vastly improved public opinion of the administration of justice in North York. It is, of course, impossible to empirically measure the benefits which accrue to society when increased public respect for its judicial system is achieved. Traffic Court is the lowest level of this Province's judicial system. However, it is the only level with which the average citizen becomes personally involved with the administration of justice. Increased public confidence and respect for justice as it is dispensed at traffic court permeates the public's opinion of the entire judicial system.

Background Papers

(2) Police Officers' Reaction

A study of police officers who appeared at the Tribunal showed that their views were similar to the public opinion survey. In addition, all indications are that police officers are spending less time in court which results in a cost savings.

(3) Fewer Trials

Of the accused who choose to come to court, more are electing not to have a trial, and are instead taking advantage of the opportunity to plead guilty with an explanation. This is not only resulting in savings of cash and time, but is also encouraging drivers to come to the Tribunal to discuss and improve their driving abilities.

(4) Reduced Backlog

A comparison of the time within which offences were processed at the Tribunal and at test locations in Willowdale and Scarborough indicated that the Tribunal has sharply reduced the backlog. The disposition date from the date of offence has levelled off at approximately 41 to 45 days, which is substantially better than under the regular system in Scarborough, which on an average is approximately 18 to 20 days longer and in many cases exceeds 100 days. In addition, studies indicate that the use of the existing system in Scarborough is resulting in a gradual lengthening of the disposition date for a majority of the offences.

(5) Better Use of Facilities

The use of the five sittings per day allows for more actual hearing time for offences and a more intensive use of the physical facilities.

(6) Acceptance of Driver Improvement Program

There has been a very substantial acceptance of the driver improvement program, including the attendance at the program on a walk-in basis of other members of the families of offenders and friends of offenders who have heard about the program.

(7) Beneficial Effects

There is a general positive public reaction to the Tribunal. The concept of the Tribunal seems to have had a beneficial effect on the Justices of the Peace, the administrative support staff and the police, with the result that the appearance of the administration of justice has been substantially improved.

Community Service Order Program

In May, 1977, the Honourable R. Roy McMurtry, Q.C., Attorney General for the Province of Ontario, announced his decision to implement a program under which persons convicted of non-violent Criminal Code offences might be ordered by a Court to perform community service under supervision and thereby help repay their debt to society.

Definition

A Community Service Order is a non-custodial sentencing disposition whereby an offender serves his sentence by performing a prescribed number of hours of community service. Examples of community service could include: maintenance work for senior citizens and the handicapped such as lawn cutting or snow shovelling and assisting in athletic or recreational programs. Community service orders could also include activities such as pollution cleanup of parks and other public property which would otherwise have to be performed by volunteers or simply go undone. The type of work to be carried out under the Community Service Order program will not eliminate any existing jobs or employment opportunities for persons in the community.

Purpose

The purpose of the Community Service Order program is to provide judges with another alternative to sentencing low-risk offenders to jail or prison terms and to provide the necessary supervisory and community resources to better enable the Court to exercise this option. A recent decision of the Ontario Court of Appeal has clarified the legality of such a disposition and in fact urged the Courts to make greater use of Community Service Orders as a sentence and rehabilitative alternative in appropriate cases. It is hoped that the program will prove particularly useful in dealing with the increasing problems of vandalism and wilful damage to both public and private property.

Objectives of the Program

For society in general, the program will mean that many persons now being incarcerated for offences will be ordered to work on various community or public works projects to help

repay society for their crime. When the program is in full operation, it should result in a lowering of our institutional populations at a savings to taxpayers, to the extent the Courts choose to make use of it. As of May, 1977, there were more than 5,000 adults in Provincial Correctional Institutions at an average annual cost to taxpayers of about \$15,000 each. This does not include social costs such as welfare for dependents of inmates which would increase the true cost substantially.

In comparison, the cost of supervising a person on a Community Service Order is about \$875.00 annually. There is a potential in this program for real cost savings.

For the offender, the program will offer a chance to remain in productive work in the community in an atmosphere more conducive to rehabilitation. It will enable the offender to remain with his or her family and avoid the disruption and social problems that often result from incarceration.

It is expected that Community Service Orders will encourage offenders to behave responsibly in the community and that they will therefore spend their leisure time in a meaningful way. In addition, Community Service Orders will concentrate on an offender's abilities and skills rather than his problems. Community service will bring the offender into contact with the recipients of his service and thereby help him to understand the difficulties of others.

Community service will also give an offender the opportunity to work alongside non-offenders. In encouraging the participation of the community in the administration of justice, Community Service Orders may well provide some understanding of offenders by the community.

A similar program of Community Service Orders has been formally implemented in Britain with favourable results for both society and the offender.

Implementation of the Program

On October 13, 1977, the Attorney General of Ontario, the Honourable R. Roy McMurtry, Q.C., and the Minister of Correctional Services, the Honourable Frank Drea, announced the designation of seven pilot projects to administer the Community Service Order program. The

following areas and groups have been selected for pilot projects:

Thunder Bay

The John Howard Society will sponsor the project in Thunder Bay and possibly the outlying areas of Nipigon and Atikokan. Community support includes the Association for the Retarded and the Volunteer Bureau which have indicated they will take Community Service Order placements, and the Addiction Program at Lakehead Psychiatric Hospital which has offered to hold three beds open for Community Service clients.

Scarborough

The John Howard Society of Metropolitan Toronto and staff of Scarborough area Probation/Parole offices will provide supervision to Community Service Orders emanating from the Courts in Scarborough.

Windsor

The St. Leonard's Society will supervise Community Service Orders in Essex County, including Windsor. This would give experience of developing the program in a large city outside Metropolitan Toronto.

Belleville

The Quinte Community Oriented Sentencing Committee is a committee made up of community representatives from the Volunteer Bureau, Police, Courts and Probation. It was set up specifically to develop a Community Service Order program in the Quinte area. The Committee will be responsible for placing offenders under the Community Service Order program in Hastings and Prince Edward Counties.

The local Co-ordinator will be based in Belleville and plans to develop the program in the surrounding rural areas. Belleville was one of the first areas in Ontario to use Community Service Orders.

Oshawa/Ajax

This project will be sponsored by the Probation/Parole Services, Ministry of Correctional Services, who will arrange for one Officer to be seconded as the local Community Service Order Co-ordinator. This project will cover Durham and Northumberland Counties with initial development in the southern

Background Papers

population corridor between Whitby and Oshawa.

Peterborough

The Peterborough Volunteer Bureau and the Peterborough Probation/Parole Services will work together on a part-time program which will operate three days a week. This will cover the City of Peterborough which has had previous successful experience with Community Service Orders.

Native Indian Project

One project is to be held open for a Native Indian organization to make a submission. To explain the concept of Community Service Orders to interested Indians a Workshop was held in Thunder Bay in September.

The seven area projects were selected from submissions received from local communities where there was interest and support from Judges, Crown Attorneys and community agencies. The selections were made to provide a variety of operational models in both rural and urban settings. Original plans had called for the designation of five project areas but two others were added to increase the diversity of the program. The program will be subject to ongoing evaluation over the next two years to determine the viability of expanding it across the Province.

Occupiers' Liability

In a situation where a person is injured while he is on someone else's property, by reason of a defect or danger in the condition of the property or by some dangerous object which is on it, the liability of the occupier of the property to the injured person is not necessarily decided according to the broad principles of modern negligence law. The injured person must first be categorized. His right to recover damages may depend upon whether he is found to be on the property as an "invitee", a "licensee", or a "trespasser". Whether an occupier of premises is held to owe a duty to take reasonable care for the safety of an entrant either in regard to the state of his premises or to his activities on them, will be decided according to which of these categories of entrant the plaintiff is held by a court to have been at the time he suffered injury to his person or property on the premises.

The Ontario Law Reform Commission in its Report on Occupiers' Liability stated that the categories and corresponding duties were as follows:

1. Invitee — the occupier was liable for unusual dangers on the premises of which he should have known.
2. Licensee — the occupier was liable for traps on the premises of which he knew.
3. Trespasser — the occupier was liable only for harm done by the occupier's intentional or reckless conduct.

The duty of an occupier to contractual entrants, such as ticket-holders, and to entrants as of right, such as building inspectors, has been held to be higher than the occupier's duty in relation to invitees.

One of the first tasks facing a court trying an occupier's liability action is, therefore, to determine into which category of entrant the plaintiff fits. Such a determination often seems remote from the problem of securing justice for the injured party. In a leading recent case Mr. Justice Dickson of the Supreme Court of Canada described the difficulties as follows:

"That branch of the law of negligence having to do with the duty owed to a visitor or an intruder by an owner or occupier of land has long been in an unsettled state, due in part to the Procrustean and often vain attempt in an infinite variety of fact situations to fit a plaintiff neatly into the category of invitee, licensee or trespasser and then allow category to be the conclusive determinant."

In recent years there has been a noticeable tendency in Canadian law to adopt a very flexible attitude towards these categories in the interests of arriving at just results. In particular, the duty owed to a licensee has increasingly been assimilated to the duty owed to an invitee. Thus, the question whether a visitor has conferred an economic benefit on the occupier (an "invitee") or has merely come on the premises with the explicit or implicit permission of the occupier (a "licensee") is less significant now than it formerly was. Furthermore, courts have declared that an occupier of land owes a duty of "common humanity" even to an intruder who is on his land without permission, and that duty of common

humanity may be somewhat higher than the traditional common law duty owed by an occupier to a trespasser.

In a number of jurisdictions, there have been attempts to reform the law relating to occupiers' liability by legislation. The purpose of the legislation is to do away with all or part of the existing law and to replace it by a "common duty of care" owed to entrants onto the premises of the occupier. But a major policy difference has emerged. The English Occupiers' Liability Act of 1957 extends the common duty of care only to "visitors" who are defined as only those persons whom existing law would characterize as invitees or licensees. The Scottish Occupiers' Liability Act of 1960 extends the duty to all entrants on land, including trespassers. The New Zealand statute follows the British model while the draft Act of the Uniform Law Conference of Canada follows the Scottish model (though there are very significant differences in the actual drafting). In 1972 the Ontario Law Reform Commission proposed a draft Occupiers' Liability Act which would place on the occupier of premises "a common duty of care to all persons entering on the premises". The Commission decided after thorough study "to recommend the enactment of legislation which would encompass all types of persons entering lands and premises, regardless of their former categories". Two of the stated purposes of the Commission in presenting the Draft Act were "to restore the field of occupiers' liability to the area of the general law of negligence" and to "widen the areas of recovery, based on the neighbour concept of negligence, and not by the creation of legal fictions".

In Scotland the legislation of 1960 appears to have succeeded in returning the law of occupiers' liability to the general law of negligence. The questions to which a Scottish court must address itself in an action brought under the statute are the usual questions of negligence litigation:

- Was it reasonably foreseeable that the plaintiff would suffer injury by reason of any defect or danger in the state of the premises or in any activity being carried on on the premises?
- Did the occupier take all reasonable steps to see that no one would suffer injury in the circumstances?

— Did the plaintiff contribute to his misfortune by his own negligence?

At the time the Scottish legislation was enacted fears were widely expressed that the potential for liability of occupiers of property would be greatly increased and that the duties placed on occupiers would be burdensome and costly. Nonetheless, the statute appears to be working satisfactorily. It must be remembered that an occupier's duty under the statute is only to do what is reasonable in all the circumstances. What is reasonable in regard to an invited guest may be far more than what is required towards a trespasser. Furthermore, in many cases trespassers are simply not reasonably foreseeable. The law of negligence is flexible and demands that all the facts of a particular case be examined. The standard of what a "reasonable man" would have done in the circumstances, though it is an objective test, will vary according to the actual circumstances of a case.

All the proposed law reform statutes preserve the right of an occupier to limit his liability in respect of entrants on his premises. The Ontario Law Reform Commission stated that its draft statute would "enable an occupier to exclude liability not only by agreement but also, for example, by the exhibition of a notice disclaiming liability for injury . . . ". Of course, all reasonable steps must be taken to bring such notice to the attention of persons who might enter on the land. In addition, an occupier who was sued would still have open to him the defence that the entrant had willingly assumed the risks of coming on the land. All the defences which a defendant in ordinary negligence litigation has open to him are preserved.

In Ontario the uses to which land is put are extremely diverse. In some areas of the province there are vast tracts of unpatented Crown land presently put to very little use. Two of the most significant industries in the province are the mining and lumber industries, both of which involve the use of large tracts of land. Some areas of southern Ontario are heavily industrialized or extensively occupied by commercial enterprises. National and provincial parks cover a significant portion of the province's area. There is much agricultural land in the province, some of it unused or unproductive.

Background Papers

In recent years there has been increasing emphasis on the use of land for recreational purposes. Hiking, snowmobiling, cycling, trail biking, horseback riding, backpacking — these are all activities which have come to be recognized as healthful and beneficial to an increasingly urbanized population. All levels of government — federal, provincial, municipal — have been forced to respond to this demand by opening up land for recreational purposes. There are certain types of land, for example, hydro rights-of-way and corridors, railroad rights-of-way and unused agricultural land which, although privately owned, are extremely suitable for recreational use.

The development of the law in regard to snowmobiles deserves some attention. In 1974 as a result of a decision of the Supreme Court of Canada in a case called *Veinot v. Kerr-Addison Mines Ltd.*, the Ontario Legislature enacted Section 19 of The Motorized Snow Vehicles Act to provide that the duty of care owed by an occupier of land to a snowmobiler on his land who is a "trespasser" or "licensee" is merely a duty "to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the trespasser or licensee". This would seem to be a statutory statement of the duty owed at common law by an occupier to a trespasser. Fears had been expressed that the decision in the *Veinot* case had considerably increased this duty and that owners of vacant land were much more likely to be sued as a result.

Many farmers and owners of agricultural or vacant land apparently feel that under the law as it now stands, while they may be sufficiently protected from liability to snowmobilers as a result of the amendment to The Motorized Snow Vehicles Act, they may still be liable to other recreational users of their land, such as hikers or horseback riders, where these persons suffer damages as a result of some defect in the condition of the land. Whether this is a correct interpretation of existing law or not is largely a moot question at this point. In any event, The Occupiers' Liability Act as proposed by the Ontario Law Reform Commission would not seem to do anything to allay this fear — indeed, the draft statute might appear to increase the potential liability of occupiers to an even greater degree. To many farmers, therefore, the wisest course

appears to be to exclude recreational users from their land altogether so that no possibility of liability can arise. If privately owned land is to be made available for recreational purposes, something must be done by legislation to assure occupiers that they can allow individuals or groups to use their land for recreational purposes while effectively excluding any liability as occupier to those persons (assuming, of course, that no fee is charged for the use of the land). Occupiers of land should be able, voluntarily, to open up their land for all or for certain specified uses to the public but only on the clearly understood condition that persons who enter on the land do so at their own risk.

In addition, the law should provide that an occupier may in some way indicate that he does not wish anyone to come on his land for any purpose and that anyone who disobeys his clearly expressed prohibition does so entirely at his own risk. An Ontario statute called The Petty Trespassers Act allows a landowner or peace officer to arrest, and provides for a fine to be levied against, anyone who trespasses on land that is enclosed (e.g. by a fence or hedge), that is a garden or lawn, or with respect to which he had had notice not to trespass. Notice may be by word of mouth, or in writing, or by posters or signs so placed as to be visible from every point of access to the land. This presents problems for the occupier of large tracts of land which it is impractical to fence, since the only way he can forbid persons to go on his land is by posting appropriate signs. Thus, an occupier who feels that his only protection from liability to entrants on his land is to exclude all persons from coming on the land may have difficulty in taking reasonable steps to accomplish that purpose.

What is needed, therefore, is legislation which would implement the recommendation of the Ontario Law Reform Commission to modernize the law of occupiers' liability and at the same time provide some simple, readily understood way in which owners and occupiers of certain types of land who are not engaged in providing recreational facilities as a business could indicate that their land may be used not at all, for all recreational purposes or for specified recreational purposes only, but, in any case, at the risk of the recreational user. In other words, a farmer or agricultural owner could allow re-

creationalists to use his land while excluding liability on his part.

There have been many complaints by farmers of increased incidents of vandalism and destruction of farm property by persons who use the farmer's property without his permission. This is another problem which must be addressed in devising new legislation.

The Policy Development Division of this Ministry has been working on a legislative scheme which would accomplish all the desired ends. The legislative scheme might include a system of coloured markings with defined meanings combined with approved recreational symbols indicating what uses the occupiers of designated kinds of land were willing to permit and absolving them from liability. This kind of system could be tied into The Petty Trespass Act. The provisions of that Act could also be expanded, so that a person who prosecutes a trespasser under the Act may recover his court costs and even be awarded damages where he is successful in obtaining the conviction of the trespasser.

A legislative scheme to accomplish these objectives is proposed in detail in a White Paper on Occupiers' Liability which has been published by this Ministry. Such legislation could go a long way towards resolving the conflicts of various interests which are at issue in the law of occupiers' liability.

Appendix

Acts Administered by the Ministry of the Attorney General

Absconding Debtors Act
Absentees Act
Accidental Fires Act
Accumulations Act
Administration of Courts Project Act, 1975
Administration of Justice Act
Age of Majority and Accountability Act, 1971
Aliens' Real Property Act
Anti-Inflation Agreement Act, 1976
Arbitrations Act
Architects Act
Assessment Review Court Act, 1972
Assignments and Preferences Act

Bail Act
Barristers Act
Blind Persons' Rights Act, 1976
Bulk Sales Act
Business Records Protection Act

Change of Name Act
Charitable Gifts Act
Charities Accounting Act
Children's Maintenance Act
Commissioners for Taking Affidavits Act
Compensation for Victims of Crime Act, 1971
Constitutional Questions Act
Conveyancing And Law of Property Act
Costs of Distress Act
County Court Judges' Criminal Courts Act
County Courts Act
County Judges Act
Creditors' Relief Act
Crown Administration of Estates Act
Crown Agency Act
Crown Attorneys Act
Crown Witnesses Act

Dependants' Relief Act
Deserted Wives' and Children's Maintenance Act
Devolution of Estates Act
Disorderly Houses Act
Dominion Courts Act
Dower Act

Escheats Act
Estreats Act
Evidence Act
Execution Act
Expropriations Act
Extra-Judicial Services Act

Factors Act
Family Law Reform Act, 1975
Fatal Accidents Act
Fines and Forfeitures Act
Fraudulent Conveyances Act
Fraudulent Debtors Arrest Act
Frustrated Contracts Act

Gaming Act
General Sessions Act

Habeas Corpus Act
Hospitals and Charitable Institutions Inquiries Act
Hotel Registration of Guests Act

Infants Act
Innkeepers Act
Interpretation Act

Judges' Orders Enforcement Act
Judicature Act
Judicial Review Procedure Act, 1971
Juries Act, 1974
Justices of the Peace Act

Landlord and Tenant Act
Law Society Act
Legal Aid Act
Legitimacy Act
Libel and Slander Act
Limitations Act
Lord's Day (Ontario) Act

Married Women's Property Act
Master and Servant Act
Matrimonial Causes Act
Mechanics' Lien Act
Mental Incompetency Act
Mercantile Law Amendment Act
Ministry of the Attorney General Act (formerly
Department of Justice Act)
Minors Protection Act
Mortgages Act
Municipal Conflict of Interest Act, 1972

Negligence Act
Notaries Act

Ontario Law Reform Commission Act
Ontario Municipal Board Act

Parents' Maintenance Act
Partition Act
Partnerships Act
Pawnbrokers Act
Perpetuities Act
Petty Trespass Act
Powers of Attorney Act
Proceedings Against the Crown Act
Professional Engineers Act
Property and Civil Rights Act
Provincial Courts Act
Public Accountancy Act
Public Authorities Protection Act
Public Halls Act
Public Inquiries Act, 1971
Public Institutions Inspection Act, 1974
Public Officers Act
Public Officers' Fees Act
Public Trustee Act

Quieting Titles Act

Reciprocal Enforcement of Judgments Act
Reciprocal Enforcement of Maintenance
Orders Act

Regulations Act
Religious Institutions Act
Replevin Act

Sale of Goods Act
Seduction Act
Settled Estates Act
Sheriffs Act
Short Forms of Conveyances Act
Short Forms of Leases Act
Short Forms of Mortgages Act
Small Claims Courts Act
Solicitors Act
Statute of Frauds
Statutes Act
Statutory Powers Procedure Act, 1971
Summary Convictions Act
Surrogate Courts Act
Survivorship Act

Ticket Speculation Act
Time Act
Trustee Act

Unconscionable Transactions Relief Act
Unified Family Court Act, 1976
University Expropriation Powers Act

Variation of Trusts Act
Vendors and Purchasers Act
Vexatious Proceedings Act
Vicious Dogs Act

Wages Act
Warehousemen's Lien Act
Warehouse Receipts Act
Wills Act

